REVIEW OF THE ROLE OF PUBLIC LEGAL EDUCATION IN THE DELIVERY OF JUSTICE SERVICES

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EXECUTIVE SUMMARY

The area of PLEI service delivery and the people in the field are suffering from "review fatigue." Action is needed. The recommendations reflect my belief that people and groups need to be empowered to get the work done that needs to be done. People need to be brought together, resources need to be provided and their voices need to be heard.

In order to build collaborative capacity among PLEI community players and within government, money and direction are needed. I am recommending the development of a PLEI Network of community players and funders. Concerns that a PLEI Network of service providers and funders will not be able to reach immediate consensus on all issues is no excuse for paralysis. What I propose is a funded long-term vehicle for communication in the PLEI world in BC, where ongoing needs in the justice system and in communities can come up in a natural way. LSS is mandated to work with others and to facilitate coordination in the area of PLEI, and I support their initiative.

I am also recommending the development of a coordination position within the Ministry of Attorney General. The Ministry of Attorney General needs to positively respond to prior reviews which have called for more leadership and coordination in government. Government can encourage PLEI service providers and funders to take a fresh look at what they are doing by setting the example.

In this Review, I encourage the spirit of continual self-assessment. Applying this principle to my own work, my Review is strong on practical suggestions for coordination, communication, planning and reporting and encouraging people to agree on basic propositions. It is not as strong on the substance of forward-thinking and effective PLEI program delivery. This is due to the time I had for producing this Review, and is not a reflection on the importance of this topic. I also have confidence that, among the PLEI players in BC, this background and expertise can and will be brought to the table.

Chapter A

Description of Public Legal Education and Public Legal Information

Deliverable: A description of public legal education and public legal information (PLEI) and how PLEI can be differentiated from other justice services such as advocacy.

Background

The role of PLEI in Canada has a long history. PLEI began as part of the anti-poverty movement in Canada in the 1960's – primarily through law student clinics and consumer advocacy groups – and gained legitimacy in government and among those working within the justice system during the 1970's. During the 1980's there were significant changes within the justice system, including the introduction of legislation such as the *Canadian Charter of Rights and Freedoms* in 1982 as well as the *Young Offenders Act* in 1985. These changes added a significant challenge to the provision of PLEI. (based on excerpts from" What was Heard: Towards Public Legal Education Information Program Renewal" – Department of Justice Canada, December 2001) Recognizing this, the federal government began contributing annual funding in 1984 in all provinces and territories to sole purpose PLEI providers. Concurrently, law foundations across Canada as well as ministries of attorney general, ministries of education and teachers federations also began to contribute significant funding to this area.

Wanda Cassidy, Director of the Centre for Education, Law and Society at Simon Fraser University traces the same timeline at pages 297-298 of her article "Law-Related Education – Promoting, Awareness, Participation and Action" in Weaving Connections (Sumach Press, 2000):

" *Across Canada, adults of the 1970's, fresh from the activism of the 1960's, began demanding that law be demystified, that legalese be abandoned and that the cloistered world of the law be opened up to the average person. Running parallel to the grassroots movement, was an acknowledgement from some at the top of the legal profession that Canadians were generally ignorant of the law ...Since a democratic society only functions well with a knowledgeable and engaged citizenry, and since ignorance of the law is no excuse for breaking the law, several prominent spokespeople called for something to be done, and done quickly, to foster a more legally literate public. One route put forward by the Canadian Bar Association, was to focus on the needs of the adult population, or to bring law to the people. Another route, deemed likely to be more effective in the long run, was to educate young people while they were still in school and still a captive audience.*" (I have attached this article as Appendix A because of its overall discussion of the importance of public legal education, and because of its analysis of the "unravelling of the law-related education movement. This analysis would be useful to consider should a PLEI Network be formed in this province – which is one of the major recommendations made in this Review.)

Wanda Cassidy goes on to point out in her article that there is not a single thing that we do as individuals that is not influenced by law. The Department of Justice has also noted that there isn't a single act that any government can do that does not have it source in the legal system. As the justice system has evolved, so has the need for the PLEI field to provide services that facilitate citizen understanding and engagement.

The context of this Review is an appreciation of the diversity and the all encompassing nature of the word "PLE".

Public Legal Education

"Public legal education (PLE) has an identity problem. It is both a concept and a description of the services that help people learn about the law. Attempts to define PLE have not been entirely satisfactory. Trying to pin PLE down to a concept-based definition ignores the diversity of services actively providing information on the law. Yet, concentrating on the service-based aspects of PLE ignores the real commitment to the principles of a democratic and equitable justice system that motivates our governments, public legal education service providers, the legal profession and the funders of legal information activities." (People and Law – A Blueprint for PLE Service - Canadian Law Information Council, February 1988, page 4)

Public Legal Education (PLE) is any activity which allows individuals or groups of individuals to understand and use the law. It is a broad definition of education that includes a wide range of approaches. It is driven by the desire to provide people with the legal literacy to understand our laws and legal system generally, and to be able, when necessary, to seek the appropriate remedies in law when problems arise in people's lives. Informing and educating the public about the law is a cornerstone of a democracy and is fundamental to the effective functioning of the justice system.

Public Legal Information

Public Legal Information (PLI) is legal content provided so that the intended user can understand the legal context of the particular situation.

Often, whether or not a PLE tool or a PLI tool is used is a matter of determining which tool will actually work. For many members of indigenous communities, for example, supplying legal information brochures alone would have little value. In addition, PLI, if done well, will have a PLE component. For example, when providing legal information on a topic such as domestic assault, the service provider will not limit itself to talking about the strictly legal consequences of wife assault but may also address the broader values of women's equality, as well as the legal remedies of dispute resolution/counselling, child support, child custody and access and the division of family assets.

PLE/ Advocacy

The term "advocacy" covers many kinds of activity, including self-advocacy, advocacy for others and group advocacy.

A PLE/ advocacy role is to influence systems to be more open, transparent and fair, and to increase the public's ability to understand and access the laws. PLE/ service delivery may involve self advocacy, advocacy for others and group advocacy. With respect to self advocacy, it is standard practice for PLE/ organizations to teach people about their rights and responsibilities under the law. Teaching people about their rights usually involves an explanation as to how people can obtain legal remedies if they so choose, for example, through mediation, arbitration, Small Claims Court, complaints to the Employment Standards Branch, etc.

individuals can also use PLE as a tool for advocating for others achieve legal remedies. While some of these individuals may be acting as private citizens helping a friend or family member, many of them work for advocacy organizations whose mandate it is to advocate for members of certain groups of people such as tenants, seniors or battered women.

Finally, there are many advocacy organizations in British Columbia which advocate on behalf of entire groups of people such as the disabled, children or domestic workers. These organizations use materials produced by PLE organizations to encourage law reform. They may also use other tools to promote social and legal change such as petitions, submission of briefs to government, and court challenges.

Provision of PLE Services

PLE service delivery is widely accepted to be based on the principles of access to justice and public ownership of the law. PLE and PLI are both needed to effectively serve communities. They can be viewed as being at different places on the continuum of access to justice tools.

Two separate reviews address this point:

"Public legal information and education programs require a common purpose. The goal of all public legal education and information activities should be to ensure equal access to justice. People cannot access a legal responsibility if they do not know it exists. Citizens must be given the information they need in a meaningful form so they can gain access to the justice system." (1995 LSS Brief to the Attorney General Public Legal Education and Information Review)

"PLE programs presume that the interests of society are best served by an informed citizenry, able to interact with the justice system in a manner which best protects their individual and group rights. It further presumes that the justice system works best with an informed public which is able to understand and interact with the Canadian justice system effectively as witnesses, accused, litigants, advocates, or interested citizens." (1995 Public Legal Education and Information Review – Rob Lilley, page 5 attached as Appendix B)

I have not found it useful in this Review to focus on the differences between PLE and PLI programming. Both are needed for the public to properly access the justice system. Accordingly, I use the term PLE to intentionally embrace the value of both types of programming. If an organization uses the term PLI to describe its programming, that terminology is, of course, accurately stated in this Review.

There has been significant academic work done on the differences between PLE and PLI. This work is important. However, in the time frame that I had to conduct this Review, I decided there are more urgent concerns in BC, namely the need to implement "common theme" recommendations of numerous reviews done in this area.

Chapter 3

Role and Significance of PLEI in Government and in the Justice System

Abstract: This chapter examines the role and significance of PLEI in government and in the justice system.

PLEI has fundamental value in society. It provides people with information about not only their legal entitlements and their legal responsibilities, but also about how to participate in their community and how to influence the development of laws that affect them. It is also a key component of a well-functioning justice system.

People need information about the nature and availability of remedies, procedures, and processes in order to exercise their legal rights and responsibilities. Without this information, people may not be able to recognize when a legal problem, whether an individual problem or a problem shared by others, is amenable to legal solution. They may not know what steps to take to resolve their problem, or where to turn for help. They may not be aware of the full range of options available to them, and may not be able to make informed choices about how to proceed. They may not be able to effectively represent themselves in the justice system. They may not be able to recognize when they require the assistance of a lawyer. They may not be able to find a lawyer who is appropriate for their needs. They may not be able to afford a lawyer. They may not be able to participate in the development of laws that affect them. They may not be able to influence the development of policies that affect them. People need information about their rights and responsibilities in order to function effectively in society. (Legal Aid Advisory Committee of the Northern Territory, 2000)

At a corporate level, when governments and courts provide legal information directly to the people they govern, they can be confident of consistent and accurate information. This helps to build trust and confidence in the justice system. (Community Relations Commission for New South Wales, 2000)

In British Columbia, government also funds organizations such as People's Law School, Legal Services Society and Law Courts Education Society to deliver PLEI. The programs of these three major service deliverers are organized into the Network of PLEI Providers, with government information programs, libraries, public legal education organizations, and other groups. Government is thereby able to work with many non-governmental organizations, including those that do not receive government funding. With a common vision and purpose, governments can also be more confident that the information provided by organizations which do not receive government funding is accurate and consistent with government policy. (Law Courts Education Society of British Columbia, 2000)

Justice Canada recently commissioned a survey about Canadians' legal problems and attitudes and behaviour with respect to legal information and assistance. The survey found that when people do not have the legal support they need to resolve their problems, they are more likely to experience stress, depression or a decline in their physical health. They are more likely to suffer loss of income or employment. They are more likely to have difficulty in their relationships with family and friends. They are more likely to have problems with alcohol or drugs. They are more likely to have to move. They are more likely to have contact with the police. They are more likely to have thoughts of suicide. The survey also found that people who have access to legal information, such as PLEI products, services and programs, are more likely to resolve their problems in a way that they consider fair. They are more likely to feel that they have been treated with respect. They are more likely to feel that they have been heard. They are more likely to feel that they have been able to participate in the process. They are more likely to feel that the outcome is just. They are more likely to feel that they have been able to exercise their rights. They are more likely to feel that they have been able to maintain their relationships with family and friends. They are more likely to feel that they have been able to maintain their physical health. They are more likely to feel that they have been able to maintain their mental health. They are more likely to feel that they have been able to maintain their financial stability. They are more likely to feel that they have been able to maintain their employment. They are more likely to feel that they have been able to maintain their housing. They are more likely to feel that they have been able to maintain their relationships with the police. They are more likely to feel that they have been able to maintain their relationships with the courts. They are more likely to feel that they have been able to maintain their relationships with the government. They are more likely to feel that they have been able to maintain their relationships with the justice system. They are more likely to feel that they have been able to maintain their relationships with the legal system. They are more likely to feel that they have been able to maintain their relationships with the legal profession. They are more likely to feel that they have been able to maintain their relationships with the legal aid system. They are more likely to feel that they have been able to maintain their relationships with the legal aid lawyers. They are more likely to feel that they have been able to maintain their relationships with the legal aid clinics. They are more likely to feel that they have been able to maintain their relationships with the legal aid offices. They are more likely to feel that they have been able to maintain their relationships with the legal aid staff. They are more likely to feel that they have been able to maintain their relationships with the legal aid volunteers. They are more likely to feel that they have been able to maintain their relationships with the legal aid boards. They are more likely to feel that they have been able to maintain their relationships with the legal aid committees. They are more likely to feel that they have been able to maintain their relationships with the legal aid clients. They are more likely to feel that they have been able to maintain their relationships with the legal aid applicants. They are more likely to feel that they have been able to maintain their relationships with the legal aid recipients. They are more likely to feel that they have been able to maintain their relationships with the legal aid beneficiaries. They are more likely to feel that they have been able to maintain their relationships with the legal aid users. They are more likely to feel that they have been able to maintain their relationships with the legal aid customers. They are more likely to feel that they have been able to maintain their relationships with the legal aid consumers. They are more likely to feel that they have been able to maintain their relationships with the legal aid purchasers. They are more likely to feel that they have been able to maintain their relationships with the legal aid buyers. They are more likely to feel that they have been able to maintain their relationships with the legal aid vendors. They are more likely to feel that they have been able to maintain their relationships with the legal aid sellers. They are more likely to feel that they have been able to maintain their relationships with the legal aid providers. They are more likely to feel that they have been able to maintain their relationships with the legal aid deliverers. They are more likely to feel that they have been able to maintain their relationships with the legal aid distributors. They are more likely to feel that they have been able to maintain their relationships with the legal aid suppliers. They are more likely to feel that they have been able to maintain their relationships with the legal aid manufacturers. They are more likely to feel that they have been able to maintain their relationships with the legal aid producers. They are more likely to feel that they have been able to maintain their relationships with the legal aid creators. They are more likely to feel that they have been able to maintain their relationships with the legal aid inventors. They are more likely to feel that they have been able to maintain their relationships with the legal aid authors. They are more likely to feel that they have been able to maintain their relationships with the legal aid publishers. They are more likely to feel that they have been able to maintain their relationships with the legal aid printers. They are more likely to feel that they have been able to maintain their relationships with the legal aid binders. They are more likely to feel that they have been able to maintain their relationships with the legal aid bookbinders. They are more likely to feel that they have been able to maintain their relationships with the legal aid booksellers. They are more likely to feel that they have been able to maintain their relationships with the legal aid librarians. They are more likely to feel that they have been able to maintain their relationships with the legal aid archivists. They are more likely to feel that they have been able to maintain their relationships with the legal aid historians. They are more likely to feel that they have been able to maintain their relationships with the legal aid researchers. They are more likely to feel that they have been able to maintain their relationships with the legal aid scholars. They are more likely to feel that they have been able to maintain their relationships with the legal aid students. They are more likely to feel that they have been able to maintain their relationships with the legal aid teachers. They are more likely to feel that they have been able to maintain their relationships with the legal aid professors. They are more likely to feel that they have been able to maintain their relationships with the legal aid instructors. They are more likely to feel that they have been able to maintain their relationships with the legal aid trainers. They are more likely to feel that they have been able to maintain their relationships with the legal aid coaches. They are more likely to feel that they have been able to maintain their relationships with the legal aid mentors. They are more likely to feel that they have been able to maintain their relationships with the legal aid advisors. They are more likely to feel that they have been able to maintain their relationships with the legal aid consultants. They are more likely to feel that they have been able to maintain their relationships with the legal aid experts. They are more likely to feel that they have been able to maintain their relationships with the legal aid specialists. They are more likely to feel that they have been able to maintain their relationships with the legal aid professionals. They are more likely to feel that they have been able to maintain their relationships with the legal aid practitioners

even on their radar screen. (Public Legal Education and Information Study – Report to Justice Canada – COMPAS Inc. March 2002 – attached as Appendix C)

The public, PLEI and government....

"Studies of the civil justice system in Canada have accepted the need for reform of the system and have concluded that the public should play a key role in reform efforts. A number of the many recommendations for reform emanating from the judiciary, the legal profession, and government are aimed at increasing the responsiveness of the system to the needs and expectations of the public....

Serious concerns have been raised from both inside and outside the civil justice system about public access to justice and the ability of the system to speak, listen and respond to the public. Cultural and linguistic minority communities, the poor, persons with disabilities, and women may be particularly disadvantaged in terms of access to and communication with the civil justice system. Barriers to civil justice may be insurmountable for Aboriginal Canadians who have culturally distinct approaches to the resolution of disputes. This limited or complete lack of access and understanding undermines public confidence in the civil justice system.

It is widely believed that a lack of public knowledge about the justice system, as well as complex laws and procedures and the high cost of legal representation, pose significant barriers to access to civil justice." (pages 1-2, "The Canadian Civil Justice System and the Public" – Lois Gander, June Ross, Allison McKinnon and Diana Lowe. This paper, written by a team of researchers at the University of Alberta in conjunction with the Canadian Forum on Civil Justice, is attached as Appendix D.)

Important work is being done by the Canadian Forum on Civil Justice in this area. The goal of the forum is to bring together the public, the courts, the legal profession, and government to strive to ensure that civil justice is accessible, effective, fair and efficient. One initiative of the Forum is the "Civil Justice System and the Public", a multi-disciplinary, collaborative research program that begins with the widely accepted belief that there are significant barriers which prevent access to the justice system. One significant barrier is a lack of effective communication between the system and the public.

In research to date, five major themes have emerged: challenging language; the impersonal nature of court protocols and procedures; transparency in communication; delivering public legal education when and how the public want it; and perceptions about "legal process" versus "justice." The Forum's research to date affirms the results of other studies that PLEI must be delivered in a variety of forms in order to be effective. At page 17 of the above noted paper, the researchers state that PLEI materials "...must be available and accessible, but an even more basic requirement is that people need to know this resource exists and how to get it."

Not surprisingly, one of the Forum's findings to date is that members of the justice community need to communicate more with each other. I commend the entire paper at Appendix D for a deeper understanding of the role of PLEI and the justice system but wish to stress the Forum's initial findings.

"*Talking within the system about a model of collaboration for change is essential to bringing it about, and also to better communicating with the public about civil justice matters. This requires negotiating the traditionally hierarchical and adversarial structures of the system to overcome entrenched prejudices that exists between and among the varied groups involved. ....*

...it falls to the most powerful to take the initiative and create safe places for open and frank dialogues to occur. ....Those in administration must first fully explain their desire for increased collaboration and constructive change and also demonstrate this in their communication relationships with each other. " (pages 22-23, "Talking with the Public: The Public, Communication and the Civil Justice System, Diana Lower and Mary Stratton, Canadian Forum on Civil Justice)

These propositions underlie my recommendations that the MAG and LSS must take the lead in bring together the players in the PLEI world in the province.

Chapter C

SUMMARY OF PLEI ACTIVITIES

Deliverables:

- *Summary of PLEI activities related to the justice system presently undertaken in the province including: name and brief description of organizations; types of activities by organizations; funders including any provincial government contributions (by ministry, if possible)*
- *Estimate of the breakdown of money spent on PLEI by the Law Courts Education Society, People's Law School, Legal Services Society, UBC LSLAP, UVic Law Clinical Program; and an estimate of the share of contribution by the Ministry of Attorney General and other ministries, where applicable, to each of these organizations/programs*

Note: In the course of gathering this information, the MAG noted that the comprehensive nature of the exercise confirmed the value of developing a community profile for the province. PLEI information of this type simply is not readily available and accessible in BC. (See E. Summary of Discussions and Recommendations.)

PLEI SERVICES PROVIDERS

1. Legal Services Society

Organizational Profile

Restructuring of the Society and reductions to services became necessary after the provincial government announced in January 2002 a 38.8% cut to legal aid funding over three years. Funding was reduced from $88.3 million in 2002/03 to just under $54 million in 2004/05.

Effective September 3, 2002, LSS began to provide legal aid and legal information services to the public through 7 regional centers, a toll-free provincial call center, and 18 local agent offices. In addition, government agents in communities across the province support Legal Services Society (LSS) information services and act as a drop-off/pick-up point for LSS clients. As well, LSS will continue to fund a variety of PLEI based projects in various communities (intermediaries, advocacy, and community groups or individuals) in order to extend outreach to low income people.

Mandate

The mandate to provide PLEI services stems from Part 2, Section 9 (1) of the *Legal Services Society Act*, which states that "The objects of the Society are (a) subject to section 10(3), to assist low income individuals to resolve their legal problems and facilitate access to justice for low income individuals."

There are other references in the legislation which are helpful in understanding the role of LSS in providing PLE services:

Part 2, Section 9 (2) – "The society is to be guided by the following principles:

(a) the society is to identify and assess the legal needs of low income individuals in British Columbia;
(b) the society is to coordinate legal aid with other aspects of the justice system and community services;
(c) the society is to be flexible and innovative in the manner in which it provides legal aid."

Part 2, Section 10 (1) – "For the purpose of its objects, the society has, subject to subsections (2) and (3), all the powers and capacity of an individual and, without limiting this, may

(a) determine the method or methods by which legal aid is to be or may be provided, with power to determine different methods for different types of legal matters and different classes of persons;
(b) facilitate coordination among the different methods, and the different persons and other entities, by which legal aid is provided."

Part 2, Section 11 (1) – "Subject to subsection (2) and (4), the society may provide legal aid by any methods that it considers appropriate, including, without limiting this,

(a) by assisting individuals representing themselves, including by providing them with summary advice, information packages, self-help kits and assistance in preparing documents;
(b) by funding alternative dispute resolution services, and
(c) by providing public legal education and information."

Activities

PLE in 20001/02 can be summarized as follows:

- Legal Resource Centre – responded to 1,259 specialized reference requests; provided grants to 68 libraries or library systems for the purchase of legal materials; provided or participated in 16 workshops for 372 librarians, LSS staff, and community organizations; circulated 814 audio-visual items, and responded to 12,482 Law Line inquiries.
- PLE Program – funded 45 groups to carry out PLE projects in 2001/02 and helped another 37 community groups complete projects started in previous years.
- Native Programs – funded 24 PLE projects and 9 restorative justice initiatives.
- Publishing Program – produced 54 PLE materials – new, revised, and reprinted- along with 17 posters, video jackets, or brochures about legal aid office services. The program distributed 166,997 PLE items, including 137,363 PLE Program and 14, 402 Native Programs Department publications.

PLE for 2002/03 has had to be substantially revamped in view of the historically deep budget cuts. Although the budget is set at $2.3 million, one must factor in the closure of the community law offices, the elimination of poverty law services, the closure of the

Learning Resource Centre, the elimination of the small grants programs to community and aboriginal groups, and the reductions to family law services to fully understand the severe reduction in the delivery of PLE services in this province. LSS estimates that it lost approximately $4 million in PLE services provided by staff lawyers, paralegals and intake workers.

At LSS, PLE is now housed in the "Legal Information Technology and Communications Department" (LITC). The group's Mission Statement is:

"To provide poor and otherwise disadvantaged people some solutions to survival law problems by maintaining a critical level of legal information in the community."

Service provision strategies are to:

1. Effectively manage and disseminate corporate and public legal information;
2. Advocate, educate, inform (few to many)
3. Create information only when directly beneficial to low income people and no other source exists;
4. Maintain and develop partnerships with community groups, organizations and information and referral agencies that provide services to LSS clients.

Within the Department, there are four divisions: Public Legal Information; Community and Poverty Services; Community and Aboriginal Programs; and Information Technology.

The LSS strategic plan will be announced shortly. It is expected to reinforce the direction of PLEI. A news release dated August 19, 2002 provides a general description of new services:

"LSS is also refocusing its legal information services (LIS). For instance, the Society has launched a new family law website, and is changing Law Line to a toll-free service available to everyone in BC, focusing on poverty law and legal problems for which legal representation is unavailable. Regional centers and most local agents will provide LIS kiosks where clients can access the LSS website and other legal resources on the Internet.

In the absence of our former summary advice and poverty, human rights and broader family representation services, we are redoubling our efforts to help people understand the law, what they need to do to resolve their legal problems, and how to go about doing it....LSS also plans to work with advocates in communities across BC, to support them with tools to help people in need of legal assistance....

Support for LSS information services will also be provided through BC's Government Agents, located in 59 BC communities. They will, for instance, carry LSS legal information publications, help clients navigate internet based legal resources, and act as a mail and fax drop-off/pick up points for clients..."

LSS states that they remain committed to maintaining accurate, current and timely information in all areas of law affecting low income people with special emphasis on

subject areas where representation services are no longer available. Subject areas include aboriginal law, non tariff criminal matters, specific legal issues affecting new immigrants or refugees available in languages other than English, family law including abuse and child protection issues, and new updates on welfare law and seniors' issues. This information will be made available through the new LSS website and where required in print.

LSS will support the work of the offices, government agents and public libraries by providing promotional materials, resource guides and alerting services. Staff will visit information providers in their field visits to determine what, if any training or encouragement, providers need to make the information services more visible and accessible to potential clients. LITC will work to develop training plans to meet these needs.

LITC will continue to work in collaboration with the Law Foundation, PovNet, and other poverty law service providers to ensure that legal information remains current, and that substantive law training programs are provided to community advocates at a local, regional and provincial level. Initiatives this year include training materials and workshops for welfare law advocates, child protection advocacy for aboriginal and non-aboriginal communities and training community workers to assist lay litigants use materials from the family law web site. The Society is looking at ways to support legal consultation services to key community advocates using the legal expertise on staff and/or contracting with specific experts in the field.

Finally, LITC believes that it retains a leadership responsibility in working with other PLE based organizations in sharing experience, knowledge and expertise and leveraging their technical infrastructure. This leadership has been demonstrated through the track record of LSS, and in the vigour and dedication of the staff and the Official Trustee in working with other organizations and communities to adjust to the new budget realities. Examples of this demonstrated leadership role in 2002 include the series of consultations held by the Official Trustee Jane Morley Q.C., and Executive Director Mark Benton throughout the year; the Community Legal Information Needs Meeting held in May; and the Survey and Comments re: Legal Information and LSS services from Public Libraries and Librarians.

Funding Information

The MAG is the primary funder of PLEI services at LSS.

2000/01 Budget - $2,165,171

2002/03 Budget (requiring approval by the Official Trustee) – approximately $2 million

- Library Information, Technology and Communications
- PLEI
- Community and Aboriginal Programs
- Community and Poverty Programs

2. Law Courts Education Society (sole purpose PLEI provider)

Organizational Profile

The Law Courts Education Society (LCES) provides educational programs and services on the justice system in Canada and BC. History is important. In the fall of 1988, a special law reform committee created by the then Deputy Attorney General of BC, Ted Hughes, published a report with recommendations for changes to the BC justice system. The report states: "Citizens must be given the information they need in a meaningful form, so that they can gain access to the justice system..." In 1989, the BC Ministry of Attorney General, the Judiciary and the Canadian Bar Association (BC Branch) created the LCES and assumed responsibility for the law courts education programs that had begun in l979.

In addition to the main office in Vancouver, there are five regional offices: Prince George, Kelowna, Kamloops, Surrey, and 222 Main Street in Vancouver.

Mandate

The LCES Mission is "To make our justice system accessible to everyone through hands-on, targeted, two-way education between the public and the justice system."

LCES programming has three main themes: (1) schools and education (experiential learning experiences related to how the justice system works, and deepening this learning experience for certain groups such as youth as risk); (2) legal needs/attitudes and behaviours (examples include programs focused on unrepresented litigants); (3) targeting the system (for specific groups such as the deaf, cultural minorities and those with development disabilities).

Programming is two way – helping the public and specific groups within society to understand the justice system; and helping those people within the system (judges, lawyers, sheriffs and other justice system personnel) better understand the justice related issues that different people in communities face. LCES works in partnership with the Ministry of Attorney General, the Ministry of Education, the Judiciary, the Canadian Bar Association (BC Branch), schools and communities.

The underlying philosophy of LCES programming is that people need to understand the context of a problem before they are ready to deal with it. They may not know what question to ask, and they likely need dialogue and interaction. Then, if people are in trouble with the system, they need to understand the alternatives available to them.

Activities

Program Services 2002/03

- Justice System Education Program
- Court link Auto Crime Prevention Programs – 32 programs for Grade 7 and Law 12 students
- Unrepresented Accused Assistance Project
- Northern Native PLEI Program
- Parenting After Separation Program – 66 workshops involving 900 participants

- The Court Information Program for Immigrants – 2 workers working in Spanish, Chinese and Vietnamese at the 222 Main St. Courthouse
- The Judicial Community Liaison Program – Programming with the Provincial Court Equality Committee and the Supreme Court Education Committee
- Society Resources and Brochures

Special Projects and Events 2002/03

- New Directions in Youth Justice (general materials and First Nations resources) 47 professional development workshops on the new *Youth Criminal Justice Act* for teachers
- Legal Terminology Website – 5,000 terms are being translated in 6 languages
- Court Staff Cultural Diversity Workshop – for court staff involved in the Air India trial
- First Nations Community Education on addressing abuse – workshops, courtlinks and a video
- Williams Lake Peer Justice Conference – pilot program for First Nations youth
- Judicial Independence for You
- Guatemala Oral Trials Project – 14 seminars
- Public Legal Education in China – a seminar involving the sharing of approaches to PLE with Chinese counterparts
- First Nations Parenting after Separation Program – workbook, facilitator's guide, community workshop framework and video
- Assessment of Materials for Self-Represented Litigants – assessment of the impact on self-represented litigants and the court in the Kamloops, Kelowna, Prince George and Surrey courthouses
- Justice System Training for Assisting People with a Developmental Disability – development of an educational seminar to train courthouse staff on how to deal better with people who have developmental disabilities
- Air India websites – site for victims and the public
- Relationship Violence Website and CD Rom
- Legal Beagle Website Program – content of the first issue of Law Connections/Legal Beagle – a joint website initiative with the Centre for Education, Law and Society
- Workshop on Contemporary Issues in Law – an evening workshop for law teachers on the *Youth Criminal Justice Act*
- LCES website

<u>Funding Information</u>

The total annual budget for LCES is approximately $1.5 million.

For 2002/03

Core funders include:

- Ministry of Attorney General - $300,000;
- Ministry of Education - $150,000;
- Law Foundation of BC. - $60,800

Project funders include:

- Province of British Columbia – Court Information Program for Immigrants - $65,000; Parenting after Separation - $34,099; Air India Website for Families of the Victims - $39,814; Air India Website for the Public - $40,000
- Insurance Corporation of British Columbia - ICBC Court link Project 2001 - $95,173; ICBC 2002 – Fraser Valley - $36,000
- Law Foundation of British Columbia – First Nations: Options for Addressing Abuse - $47,000
- United Way – First Nations: Options for Addressing Abuse - $7,500
- Department of Justice – Youth Criminal Justice Act Workshop - $35,900; Unrepresented Accused - $85,400; Teen Courts - $34,600; First Nations – YCJA - $49,000; Website on Domestic Abuse - $35,000; First Nations – Parenting After Separation - $33,726
- Canadian International Development Agency – South Africa - $3,800; Guatemala Project - $2,635; China 2001 - $36,709; Guatemala 2001-2003 - $220,000

The funding contributions of the MAG and other government ministries to LCES represent approximately $750,000 or 50% of the total budget of $1.5 million.

3. People's Law School (sole purpose PLEI provider)

Organizational Profile

UBC law students founded the People's Law School (PLS) after receiving an Opportunities for Youth grant from the federal government. Students recruited lawyers for free law classes in the Vancouver area, and published plain-language booklets. The Law Foundation and MAG first provided core funding in 1974, as did the DOJ in 1990.

PLS is a fully independent Society. There are no appointees to the Board. Directors are elected or acclaimed by members of the Society at the Annual General Meeting. Board composition as of 2001/02 include two lawyers, a chartered accountant, a representative from crown counsel/victim services, a Supreme Court Judge, two notary publics, a representative of a community based advocacy group, a businessman and a school principal.

Mandate

The overall goal of PLS is to provide British Columbians – especially those with special needs – with impartial and reliable information about the laws affecting their lives. PLS works with community partners, women's centers and immigrant serving organizations.

The chief target audiences are the general public, seniors, youth, the disadvantaged and intermediaries.

Activities

PLE (2001/2002)

- Publications program – 94,222 copies distributed on a wide variety of topics , the top five requested booklets being The Child's Rights to Love; Power of Attorney; Choosing/Being an Executor; Working in BC: Your Rights and Responsibilities; and Scams to Avoid. Other booklets include BC Child Support Guidelines; Take Charge (representation agreements); Volunteers and the Law; Writing your Will; and The Teachers' Guide to Learning about the Law.
- Website – Content is written in large and extra-large print; several of the booklets noted above are posted in Spanish and Chinese i.e. Writing Your Will, Scams to Avoid, and Caring for Children
- Speaker request program – 78 speaking engagements arranged primarily in the Lower Mainland, and primarily to community groups, health care workers, seniors' organizations, and caregivers
- Provincial Innovations Program – organization of 149 workshops throughout BC for youth enrolled in public schools, as well as youth at risk in alternative schools; focus has been on four topics: youth justice renewal, victims' rights, bullying, and youth dating violence.
- Justice Theatre – 150 staged dramatizations and discussion of criminal trials based on bullying and hate crimes in schools throughout BC
- Children's Summer Law Program – a 4 week introduction to law and legal institutions for elementary children in Vancouver
- Referrals – 2,594, primarily to Lawyer Referral, Law Students' Legal Advice Clinics, community organizations and LSS
- Cultural Minorities Program – offered group events (free law classes, speaker placements, intermediary training workshops for immigrant settlement counsellors); culturally adapted booklets in immigrants languages; and PLE through ethno cultural media and special events

Funding Information

Funders for 2001/02 were:

Legal Services Society of BC	$4,551
The Notary Foundation	25,000
Ministry of Attorney General	40,000
Heritage Canada	41,655
Justice Theatre User Fees	61,401
Ministry of CAWS	98,832
BC Gaming Branch	99,080
Department of Justice: Projects/Core	277,066
Law Foundation of BC	273,058
	$920,673

The funding contributions of the MAG and related government ministries represent $237,912 or approximately 25% of the total budget. However, with the elimination of the funding to the Cultural Minorities Program by the Ministry of CAWS, it would appear that the funding contribution of the MAG and related government ministries has been reduced to $139,080 or approximately 15% of the total budget.

6. UBC Law Students' Legal Advice Program

Note – The next two organizations have PLEI as their secondary purpose. As with LSS, legal aid service delivery and PLEI service provision are inextricably interwoven. Studies in the past have produced sound arguments as to why PLEI and legal aid should be integrated. These include:

(1) Problem Identification and Referral – A legal problem must first be identified as having a legal solution before an individual seeks a remedy. In order to access the justice system, people must have access to information, education and advice about the law. People must know they have a legal right or responsibility in order to exercise or assume it. They must also know when and how to access legal services.

(2) Efficient Case Management – Once a person requests legal help, assistance must be provided in the most efficient and effective manner possible. Assistance includes: (a) information or education or advice leading to self-help; and (b) representation by a lawyer or paralegal.

(3) Enhanced Coverage – LSS's coverage criteria for representation services are necessarily limited due to limited resources available to provide those services. Information and advice can be provided to assist individuals with pressing legal problems who cannot otherwise obtain services.

(4) Prevention – Our legal system is sufficiently complex that ignorance can cause unnecessary involvement with the justice system, thereby resulting in increased service costs. Information and education services directed to the general public, particularly through the education system, will reduce long-term costs of the justice system.

Organizational Profile

For the past 31 years, the Community Legal Assistance Society (CLAS) has supervised and provided support staff to the law students involved in the UBC Law Students' Legal Advice Program (LSLAP). In the 2001/02 year, over 200 students volunteered their time to staff the 22 evening clinics operated during the Winter and Spring sessions. Throughout the year, approximately 3,000 people were seen at various clinics and were provided with legal advice, referral and follow-up services. The evening clinics and summer clinics run by the students resulted in Lower Mainland residents benefiting from over 25,000 hours of student time and approximately 600 hours of volunteer lawyer time.

LSLAP is the second largest provider of legal aid services in the province.

Mandate

The main areas of law handled include matters relating to: small claims disputes, wills and estates, family, criminal, Motor Vehicle Act problems, employment insurance, employer/employee, social assistance, workers' compensation, landlord/tenant, and a variety of other legal issues. The students assist all clients on a first interview basis and do continuing work on cases for those who cannot afford a lawyer and who do not qualify for legal aid. Clients are either given summary advice where the problem could be handled at the clinic, or summary advice with a referral to the appropriate agency if no follow-up is necessary.

Evaluation

[illegible]

The LSLAP Manual (also posted on the website) is revised and produced annually. It is approximately 300 pages in length and is divided into 24 chapters that provide an overview of different areas of the law. Not only is the Manual a valuable source for advocates, but it fulfills the public education mandate of LSLAP's constitution. Approximately two hundred Manuals are sold to advocacy groups, practising lawyers, schools and libraries.

The LSLAP website also provides information on LSLAP's mandate, who LSLAP helps, and what LSLAP helps with, as well as links to legal and advocate organizations that may also assist people.

A public relations director ensures that other legal service providers and community organizations are aware of the strengths and limitations of the program so that LSLAP can efficiently assist the community.

Funding Information

The Law Foundation provides annual core funding in the amount of $131,000.

Other contributions to a total budget of $331,200 for the year ending August 31, 2002 include:

City of Vancouver - $60,000
Notary Foundation - $20,000
Challenge Program - $118,284
Donations - $2,287
Manual Sales - $22,497
Interest income and miscellaneous - $1,284

The WAG and related ministries did not contribute any funding in the past year.

8. UVic Law Students Clinical Advice Program

Organizational Profile

Since 1978, the Clinical Program has operated as a partnership with LSS under the umbrella of the Law Centre Association of Victoria. As a result of the provincial government budget cuts in 2002 and a change in the governing legislation for LSS, LSS has decided to terminate its partnership. This decision is and will have a profound impact on the

- funding of the Clinical Program
- location of the Clinical Program
- nature of services to be provided by students
- supervision of student work
- ability to provide support services for the office
- equipment, and
- other issues, such as community input into the program.

[illegible]

The primary objective of The Law Centre clinical program is to further the educational goals of the faculty by providing the opportunity for students to learn by participating first-hand in clinical, under close supervision in a model law office setting. They cover a wide range of legal including civil disputes, consumer issues, criminal work, debtor/creditor, family issues, and landlord/tenant issues.

From July 1, 2001 to June 30, 2002, 1150 files were handled, summary advice was provided on 1140 occasions, and 5150 referrals were made to LSS.

Activities

PLEI work done in the above noted budget categories included a speakers' bureau, evening PLEI courses, lunchtime lecture series, and workshops. The website contains PLEI information and, of course, is still available and accessible.

Funding Information

The Law Foundation provides a core operating grant of $253,400 towards a total budget of $329,916.

LSS has provided support for the Clinical Program valued annually at approximately $150,000. That support came in the form of secondment of LSS staff to the Clinical Program, and the provision of office space, equipment, telephone and mail services. The termination of financial support by LSS means that the Clinical Program needed to find replacement funding for salaries, and for a new office space and the acquisition of essential equipment such as computers, telephones and a photocopier.

Kwan Andrew Pablo has put together a package of funding (LSS, BC Human Rights Commission, and the Law Foundation of BC) which will maintain the Clinical Program in existence until the end of the summer term 2003. The MAG did not contribute any funding this year.

4. Centre for Education, Law and Society – SFU (law-related education focus)

Organizational Profile

The Centre for Education, Law and Society (CELS) was established in 1994 and given formal approval by the SFU Board of Governors in 1995. The Centre attracts a number of graduate students interested in school law, curriculum and youth justice issues.

Objectives

Its central purpose is to improve the legal literacy of children and young people through a program of teaching, curriculum development/research, and community relations.

Activities

Projects range in scope from the development of ongoing curriculum initiatives for elementary school, to research into schools' culture and social responsibility, to the

development of holistic anti-violence programs for schools based on the ethics of care and justice. Three undergraduate courses and one graduate in law education have been developed and are offered through the Faculty of Education. The three undergraduate courses also are available through Distance Education. The Centre attracts a number of graduate students interested in issues related to school law, human rights, citizenship education and school culture. The Director estimates that approximately 200 students (mainly teachers and prospective teachers) attend the courses.

The Law Connection is produced by CELS. It is an electronic newsmagazine which delivers legal information and provides classroom resources to students and teachers in BC Schools. The website includes articles; resources; lesson plans; legal updates; Beagle Bytes (lawyers, court workers, police officers and other teachers answer questions). Themes addressed to date include: War Crimes, Youth Justice, native Legal Issues, Protection of Children, Equality Rights, Harassment, Citizenship Rights and Social Responsibility, Criminal Law, Refugee and Immigration Law.

Centre staff also do a significant amount of work with and for the community. Examples include a panel presentation for the Burnaby Family Court and Youth Justice Committee on bullying and violence in schools; workshops in schools on the ethics of care and justice in school practice; and consultation to Whytecliff Education Centre, an innovative school for at risk and court referred youth.

Funding Information

CELS received substantial endowment funding (including interest, the balance is now $1.2 million) in the early 90's from the Law Foundation of BC, the Real Estate Foundation and the Notary Foundation. Total annual revenue is approximately $60,000.

Project funding over the years has been provided by the Law Foundation of BC, The Real Estate Foundation of BC, The Notary Foundation, Legal Services Society, Heritage Canada, the Department of Multi-Culturalism Canada and Simon Fraser University.

The MAG and related ministries do not provide funding to CELS at this time.

7. Canadian Bar Association (BC Branch)

Organizational Profile

The Canadian Bar Association (BC Branch) is a professional organization which was formed in 1896 and incorporated under a Special Act of Parliament in 1921. The purpose of the Association is to:

i. enhance the professional and commercial interests of the members of the legal profession and protect the independence of the judiciary and the bar;
ii. provide personal and professional development and support to all members;
iii. promote fair justice systems and facilitate effective law reform; and
iv. promote equality in the legal profession and eliminate discrimination.

Mandate

Public legal education has been a significant part of the mandate since 1982. The CBA was very active in the early '90's with respect to the organization of meetings of PLEI funders and service providers. The early reviews in this field acknowledge the leadership role played by the CBA.

The CBA's position now is that it is very willing to attend meetings with a general purpose of better co-coordinating activities among the players. The organization is focused, however, on its primary objective which is to provide services to its members.

Activities

Dial-a-Law is a public service that has been operated by the CBABC since 1982. Dial-a-Law is a library of pre-recorded messages prepared by lawyers to provide practical information on specific topics of law. This service is a free, convenient and easy way to learn about the law and rights as a resident of BC. More than 49,300 visitors accessed scripts on the highly successful program either by phone or Web site in 2001/2002.

The Lawyer Referral Service is a public service program that provides referrals to lawyers who volunteer to charge only $10 for up to 30 minutes of consultation. The CBABC has operated this program since 1971. The Lawyer Referral Service is available to everyone and is designed to encourage the public to seek legal advice before problems become complicated and expensive. In 2001/2002 there were 90,382 calls answered providing 56,159 referrals to participating lawyers.

Law Week, held on an annual basis, was created to celebrate the anniversary of the Charter of Rights and Freedoms and to educate the public about the justice system. It includes Dial-a-Lawyer Program Day; a Short Story Contest; Public Speaking; Student Mentor Program; Photo Contest; Open House; and Mock Trials.

In addition, the CBABC also provides the services of a Speaker's Bureau for the public.

Funding Information

All of the CBABC programs (with the exception of the Speakers' Bureau) receive primary funding support from the Law Foundation. $241,600 is allocated annually to the Dial-a-Law and Lawyer Referral Program, and $5,500 for Law Week.

The MAG provides no funding to these programs.

PLEI Funders

1. Law Foundation of BC

Organizational Profile

The Law Foundation of BC is a non-profit foundation created by legislation to receive and distribute the interest on clients' funds held in lawyers' pooled trust accounts maintained in financial institutions. Pooled trust accounts are used to hold client funds for short periods of time, until it becomes feasible to distribute those monies to the client

or others. Typically, funds held in this way are purchase monies in real estate transactions.

Because of the difficulty and cost of ascertaining how much interest in pooled trust accounts was attributable to each client's funds, and because the amount of interest related to each client was usually small, for many years financial institutions paid no interest on these accounts, although the total funds in the pooled account might be very substantial. As a result, the financial institutions profited from the use of the funds in the pooled trust accounts without charge.

British Columbia lawyers pioneered a change to the practice in 1969 when they persuaded the provincial government to enact legislation requiring financial institutions to pay interest on these pooled accounts to the Law Foundation, which was, in turn, to use the interest to benefit the public of British Columbia.

The Law Foundation is administered by an 18 member Board of Governors: the Attorney General (or his/her appointee); 3 persons, not lawyers, appointed by the Attorney General; 12 members of the Law Society or the judiciary appointed by the Benchers to represent geographical areas of the province; and 2 members of the Law Society appointed by the BC Branch of the Canadian Bar Association.

Mandate

The *Legal Profession Act* directs the Law Foundation to distribute these funds in five areas:

Legal aid;
Legal education;
Law reform;
Legal research, and
Law libraries

The Foundation recognizes that while its objects are legal in nature, the income is to be allocated to programs that will benefit the general public of BC. The Program Objectives of Legal Education are: "To promote legal education programs and services in British Columbia to make the law more accessible through:

(a) increasing public awareness of the law and justice system;

(b) providing education to groups with particular legal needs; and

(c) assisting in the academic and professional development of those providing legal services to ensure these services are of the highest quality.

Funding Activities

The Law Foundation provides funding for a wide variety of PLEI projects and ongoing programs. Continuing grant support is provided to the following organizations:

- Canadian Bar Association (BC Branch) – Dial-a-Law and Lawyer Referral Services and Law Week - $245,600
- LCES (Northern Native Program) - $60,800
- People's Law School (Operating funds) - $262,400
- Legal Services Society (POVNET operating funds) - $55,000

- End Legislated Poverty (FLAWline operating) - $19,500
- Debate and Speech Association of BC (Law Foundation Cup) - $14,300

Project grant support is set on an annual basis, and is dependent on the Law Foundation's fiscal capacity since most of the funding is dedicated to core funding. In 2000, for example, Governors were able to provide approximately $9 million for 90 new projects across the province. The range of topics for these grants reflected, in part, a decision by the Governors during 2000 to encourage applications in certain subject areas (aboriginal justice, seniors, family law, other access to justice initiatives), and that also reflected the geographic and cultural diversity of the province.

In 2001, $3 million was allocated to 17 one-time projects. A significant portion of this grant making resulted in multi-year demonstration work in key areas such as professional legal education, the rights of people with disabilities, poverty law and human rights, court interpretation services, violence against women, cultural diversity, alternative justice systems and the rights of aboriginal women and children.

The rapid decline in interest rates over the past couple of years has meant a reduced capacity to respond to project funding requests. In 2002, the Law Foundation approved $320,873 for 13 projects.

The Law Foundation also supports the PLEI sector in providing core funding for groups whose primary purpose is legal aid, who also have PLEI as a secondary objective. For example, a core grant of $105,400 is approved towards an overall budget of $300,000 per year for the Nelson Advocacy Centre for the community based lay advocacy program. PLEI takes many forms: training workshops for other advices, classroom presentations to college and high school students, workshops for particular client groups e.g. low income people applying for disability benefits under income assistance legislation or unrepresented litigants in family court, written materials e.g. updates on new legislation. The Advocacy Centre estimates that, on average, approximately 25% of the time on the program is spent on various forms of PLEI. For example, in the present, when there are significant legislative changes affecting its client groups, program staff may be spending 50% of their time on PLEI, for concentrated periods of time.

Another example can be found in the $90,000 core grant to the Abbotsford Community Services Society and the Progressive Intercultural Community Services Society for two community based advocates. Both advocates provide services to agricultural seasonal workers throughout the Lower Mainland and the Fraser Valley and review and identify issues to improve the conditions of agricultural workers through legal education and law reform. ACS estimates that, approximately 25% of the Foundation funded advocates' time is spent on various forms of public legal education and information. This fluctuates from year to year and within years.

These examples illustrate the breadth of PLEI activity in the province. There is no inventory of this sector of PLEI service providers. This invisibility also means that this sector does not attract the kind of support and professional development it deserves.

2. Real Estate Foundation of BC

Organizational Profile

In August 1985, the British Columbia real estate industry, in co-operation with Consumer and Corporate Affairs, achieved legislation which established the Foundation as a non-profit association. Under the legislation, the Foundation, from "unassigned" trust deposits held by real estate agents, uses the funds for non-profit and charitable activities related to real estate and land use.

The purpose of the Foundation as set out under the *Real Estate Act* is:

"to undertake and carry out real estate public and professional education, real estate law reform, real estate research, and other real estate related works."

The fulfillment of these purposes is subject to guidelines established by the Foundation's Governors. The Foundation's mission is:

"To use its resources for the benefit of British Columbians by supporting efforts that improve all aspects of land use and real estate practices."

While there are parallel foundations across Canada in the legal field, the Real Estate Foundation of BC and the Alberta Real Estate Foundation are the only two of their kind in the country.

Mandate

The Real Estate Foundation enjoys wide latitude to interpret and execute its mandate set out in the *Real Estate Act*. Real property refers to the land and anything of a permanent nature such as structures, trees, mineral and the benefits, interests, and rights there-in; and access to, ownership and control (including regulation, planning, etc.) of real estate, broadly termed "land use" for the Foundation's purposes.

The four themes of the mandate are:

- Housing and Finance – focuses on initiatives that enhance the ability of non-profit organizations (including local governments) to provide a range of affordable housing options in their communities;
- Environment and Land Use – focuses on enabling better land use decision-making based on current, accurate information related to the natural environment
- Real Estate and Land Use Information for Communities – focuses on access to, and sharing of, land use information and expertise. The Foundation recognizes the important role that community organizations often play in bringing focus and solutions to local land use concerns.
- Real Estate Industry Excellence – focuses on professional education and research that enhances consumer protection and enables better land use decision-making. Sharing real estate and land use expertise with practitioner and public audiences is a priority.

Another significant area of involvement is the Land Centre, an internet clearinghouse providing instant access to information about real estate and land use.

Funding Activities

The Real Estate Foundation provides both project and endowment grants. Project funding is granted to help an organization attain completion of an endeavour in a specific time period – preferably less than two years. The following categorization of PLEI was used for this grant making analysis: awareness building of legal context (e.g. statutory, regulatory, policy, bylaws); addressing governance in general (i.e. a legal context to the project); education for specific regulations, policies or by-laws; and law reform for a specific regulation of by-law.

In 2001, $492,006 was allocated to 29 public legal education grants which represents approximately 18% of the total grants allocated. A similar ratio is likely to emerge for 2002 where, to date, $866,515 has been dedicate to 34 public legal education project grants.

3. Notary Foundation of BC

Organizational Profile

In 1985, the provincial government amended the *Notaries Act*, SBC Chapter 23, to create The Notary Foundation. This non-profit organization receives interest earned on the general trust funds held by members of The Society of Notaries Public of BC.

The Notary Foundation receives and distributes over $1 million each year. Most of the money is paid to LSS, specifically to provide legal aid in the province. In addition, the Notary Foundation makes funds available to The Society of Notaries Public of BC to assist them in the education of members, applicants for membership, and the general public.

Mandate

The Notary Foundation is mandate to provide funding to other BC organizations in the following areas: legal research; legal education; and law libraries. In addition, the Notary Foundation funds two Scholarships and two Bursaries each year for individuals attending UBC.

More specifically, funds received by the Notary Foundation are to be disbursed as follows:

- 50% to be paid to LSS. Up to an additional 5% is to be allocated from the Special Fund dependent upon the Fund balance and the requirements within the Notaries Act
- 5% to be paid to the Special Fund which is administered by the Society of Notaries Public of BC. The maximum amount that can be paid to the Special Fund is $20,000. Any excess amounts are to be allocated to LSS.
- 10% is to be used for legal education, legal research and the establishing, operating and maintaining of law libraries;
- 35% to be used for education and continuing education of notaries and notarial applicants and salary and administrative expenses.

Funding Activities

In 2001, the Notary Foundation approved a total of $282,190 in legal education grants to 12 organizations. Many of the project recipients also receive Law Foundation funding support. In 2002, a total of $163,268 has been approved to date to 11 organizations.

4. Department of Justice

I wish to acknowledge the assistance of Barbara Stewart, Senior Program Analyst, Innovations, Analysis and Integration, Department of Justice in the presentation of this information.

Organizational Profile/Mandate

The DOJ's Strategic Plan for 2001-2005 notes that the DOJ will strive to make the justice system relevant, accessible, and responsive to the needs of Canadians and will provide effective stewardship of that system. Renewing the department's public consultation and citizen engagement strategy, expediting the plain language efforts to use plain language for legislation and regulations and strengthening the PLEI program were noted as some examples of how to get there.

Justice Canada undertakes a variety of PLEI activities in support of its mandate. This includes:

- Annual funding to one organization in each province to undertake PLEI activities in areas of priority for that province;
- Providing grants to a variety of PLEI organizations and other non government organizations to undertake specific PLEI projects;
- Funding to organizations through special initiatives programs to provide PLEI services in support of the program initiative objective.

PLEI activities include printed material, workshops, face-to-face information exchange, school programs and web-based information.

PLEI is aimed at:

- People working within the legal system (police, court workers, etc.) to help these professionals gain a better understanding of people's needs when accessing the justice system (e.g. accessibility needs for people with disabilities, victims needs, cultural diversity issues).
- The general public, with specific emphasis on those most in need (e.g. low-income, new immigrants/refugees, aboriginal people, other minority groups)

DOJ held a year long consultation process to examine ways in which the current PLEI program could be strengthened in order to respond to the emerging changes in the justice system as described by a variety of stakeholders. The document, produced by DOJ in December 2001, is called "What Was Heard: Towards Public Legal Education and Information Program Renewal – A Report on Discussion".

Funding Information for BC

The DOJ provides $85,000 annually in core funding to People's Law School.

PLEI organizations in BC also recently received project funding as follows:

Program: Family, Children and Youth – FY 2001/02 - $57,257; FY 200203 - $95,100 (The Justice Institute of BC; LSS: LCES)

Youth Justice Renewal Fund – FY 2001/02 - $235,308; FY 2002/03 - $196,160 (People's Law School; LCES)

Justice Partnership and Innovation Fund – FY 2001/02 - $112,483; FY 2002/03 - $33,656
(PLS; LCES; Justice Institute of BC; Stuart Lake Community Services Society; Victims Services Division, MAG)

PLEI funding is also available through the National Crime Prevention Centre. Funding was disbursed to 27 different organizations in BC: FY 2001/02 - $666,854; FY 2002/03 - $400,921.

Chapter D

Description and Analysis of Unnecessary and/or Ineffective PLEI Activities

Deliverable: Description and analysis of unnecessary and/or ineffective PLEI activities related to the justice system and their delivery in the province.

There are a wide variety of organizations involved in funding or delivering PLEI. An obvious concern that arises when there are several players in a particular field is that of overlaps in services and inefficient use of resources. At least three Reviews have directly addressed this concern.

- In the 1984 *Report to the Attorney General by the Task Force on Public Legal Services in British Columbia* at page 36:

"It has already been noted that a broad spectrum of agencies are active in the provision of these services (prevention, self help, legal information) for an equally broad range of public, private and mixed public and private purposes. ***While it is in the interest of all concerned that unnecessary duplication of services be identified and lessened where it exists, this should not be at the expense of a proper reflection of the differing objectives that justify public support.*** *Thus there is a legitimate continuing role for the public education system, the MAG, the police, the courts and other provincial and federal government agencies in the provision of funding for these services and provision of these services directly in appropriate circumstances. Similarly, private agencies active in the provision of these services through their own resources should not be restricted."*

- In the 1990 Peat Marwick Stevenson & Kellogg *Project Report: Public Legal Education Review* at page 64:

"Based on mandates and stated rationale, there is potential for overlapping service reaching the same targeted groups offered by the many players in the PLEI field. ***However, closer examination of actual operations indicates that major overlaps do not currently exist. It is the style of service delivery which is diverse and serves to distinguish the PLEI organizations and their services. Furthermore, ongoing interaction among the groups acts to reduce actual overlaps."***

And at page 72:

"We agree that the diversity of groups involved in PLE at the present time is a good thing....we also believe that the different service models...are an effective manner of reaching different segments of the population. Subsuming all PLE delivery into one body would lead over time (or possibly immediately) to the service models becoming less distinct (more homogeneous). We feel diversity in approach, when addressing changing target populations whose needs will never be comprehended in a static fashion, is a sine qua non for effective provision of PLE services....We there fore conclude that the diversity of organizations in PLE in BC is one of the strengths of the current situation. It does, however, present a difficult management issue: ensuring that cost-effective uses are made of resources, and that funders establish clear accountability roles for themselves."

- In 1997, the following question was posed in *Program Review: The People's Law School*: "What overlap or duplication are you aware of between the People's Law School and (the) other groups?" The answer follows at page 27 of the review:

> *"Informants expressed strong feelings about this question, which is perhaps reflective of the current situation of change and re-structuring within the province and the resulting reduced funding for many of them. Several informants spoke to the interviewer with some degree of exasperation about the number of times they had been asked this questions by various funders and government representatives.*
>
> *Over half of the responses described complementary overlap in the delivery of PLEI in BC and they saw this as enhancing service delivery. Just under half felt that there was no overlap at all. Some saw complementary overlap between the materials of different community-based agencies, others specifically mentioned the three major sole PLEI providers – Legal Services Society, the Law Courts Education Society and People's Law School."*

I conclude from these prior reviews that, in the words of one respondent in the People' Law School Report, there are far more gaps in PLEI service delivery in this province than overlaps.

A related issue that has arisen in the past is whether or there should be an amalgamation or merger of any of the three sole purpose PLEI providers. This question was also posed in the 1997 Ellis Report. There was no support for this idea from the providers, from colleagues, from funders or observers/experts. On the other hand, this Report did emphasize to PLS the common thread running through all PLEI reviews conducted in the past 10 years:

> *"...there is support for more co-ordination of PLEI service delivery between LSS, PLS and LCES. Take a leadership role in planning a series of meetings (forum, roundtable?) with your two major sole purpose PLEI provider/partners – Legal Services Society and Law Courts Education Society. They too are struggling with funding cuts, work overload and pressures from funders, **but they too know that some discussion should be taking place about ways to co-ordinate PLEI planning between the organizations. Some of this already goes on at a smaller project level, but there is a need for something more comprehensive to occur.***
>
> *The key will be finding a safe, non-competitive way to bring all three organizations to the table with their analysis and strengths. For a variety of reasons, there is a leadership vacuum here..."* (pages 6-7)

In the time frame for this Review, I have focused on practical recommendations for bringing the players together in a meaningful setting, and building the capacity for some "staying power" to collaborative discussions. There are undoubtedly examples of duplication in the PLEI community but the issue did not jump out at me as being significant, and I do not believe that such an analysis is a useful starting point for trying to get the players to communicate regularly with each other again.

Chapter E

Summary of Findings and Recommendations

Introduction

This section responds to the following Deliverables:

- *Discussion of the relationship of PLE to the Ministry Service Plan and Objectives*
- *Discussion of the relationship of PLE to potential reforms in the Justice Review Task Force paper "Exploring Fundamental Change" such as those related to family law and unrepresented litigants*
- *Recommendations to the Ministry of Attorney General (MAG) regarding the funding and delivery of Public Legal Education and Information (PLEI) activities in the future, as well as a framework for the Ministry's role in PLEI activities to ensure greater efficiency, effectiveness, relevancy and accountability, with particular reference to the co-ordination of activities with Legal Services Society as it relates to PLEI.*

The MAG is posing legitimate and challenging questions to PLEI service providers and funders through this review. *What are the players in the PLEI world in BC doing? Where are they going with their programs?* The justice system is evolving – what are the players doing to ensure that they are being responsive and relevant?

BC is very fortunate to have a variety of PLEI service providers who have significant history and expertise in this area. Many of the individuals and programs have received national and international recognition. The recommendations that are put forward in this review are intended to build on the positive assets that already exist in this province. These assets also include numerous groups who deliver PLEI services at the local level, and who have taken a long time to build relationships of trust in their communities.

There is a need to develop a vision of PLEI services in the province, and to create a mechanism for co-ordination which acknowledges and values the different levels of PLEI needs, and the different levels on which players could co-operate. Both the players and the MAG – and most importantly, the public – would benefit from such a development.

Framework of Analysis

I held meetings/consultations with the following organizations: Legal Services Society (LSS); Law Students' Legal Advice Program (LSLAP); UVic Clinical Law Centre; Law Courts Education Society (LCES); People's Law School (PLS); Canadian Bar Association (BC Branch); Centre for Education, Law and Society (CELS) at SFU; Law Foundation of BC; The Real Estate Foundation; the Notary Foundation; as well as with representatives from the Ministry of Attorney General (MAG) in BC, the Supreme Court of BC, and the federal Department of Justice (DOJ). I have benefited from the commentary and expertise of players outside of BC, including Trevor Lotto, Executive Director, Ontario Justice Education Network (OJEN); Lois Gander, Legal Resource Centre, University of Alberta; Jennifer Peterson, Education Coordinator, Alberta Department of Justice; and Dvora Snider, Barbara Pelaez, and Mary Brown, the Executive Directors of the Law Foundations of Alberta, Manitoba and Ontario respectively.

I also reviewed the findings of numerous prior reviews of PLES and offer an analysis as to why critical recommendations, particularly the ones related to coordination were not implemented. I have put forward basic propositions underlying the current review and discussed how the concept of coordination applies at several different levels in the PLES world (e.g. BC between the federal and provincial governments; inside the MAG and among ministries; between the MAG and LSS; between LSS and community players; and among PLES funders). Finally, I discuss a model of a PLES network, and a possible role for the BC Justice Review Task Force.

A. Lessons from the Past

During the past 15 years, at least 8 different reports have made recommendations with respect to the funding and delivery of PLES activities in the province:

- Report to the Attorney General by the Task Force on Public Legal Services in B.C., 1984
- Access to Justice, Report of the Justice Reform Committee, 1988
- People and the Law – A Blueprint for PLE Service – Canadian Legal Information Centre, 1988
- Project Report: Public Legal Education Review, Post Graduate Diploma in Education, 1989
- Legal Information Access Study, Canadian Legal Information Centre, 1990
- Public Legal Education and Information Review – Proposals for the Continuation of the Education Branch, Ministry of Attorney General, 1993
- Program Review, The People's Law School, 1997
- Ministry of Attorney General – Public Legal Education and Information Review, 1997

Note: from above note that this is not a complete list of PLES studies. The complete list can be found in Chapter 2 – Bibliography. For ease of reference, I will refer to the above reports as follows: the 1984 Report, the 1988 Report, etc.

Some of the recommendations in these reports have been implemented, but most have not. Although it is important to go forward looking at the current review, I think it is also important to understand why recommendations in previous reports were not successfully implemented. I have come to the following conclusions:

(a) There has been a lack of a coherent, systematic and shared understanding among the players of the purposes of delivering PLES services.

(b) There has been a lack of a coherent and shared philosophy/objectives regarding PLES service delivery from government.

(c) Baseline information (e.g. a needs assessment of PLES) was not systematically available or utilized by all of the players, thus preventing "big picture" analysis by the funders, including government.

(c) [illegible]

(d) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]

[illegible]

[illegible]

interests of the institutional and community based players and funders so that, in the end, the public's interests are better served.

1. Between the federal and provincial governments

The need and value of having a national dialogue and "blueprint" for Canadian PLEI services was first documented in the 1988 report produced by the Canadian Legal Information Council. Why have such a blueprint?

- A catalyst to encourage PLEI service providers to examine their activities and place them within a national context
- A guide to help PLEI funders reflect on the services currently available
- A template for PLEI service providers and funders to use in their efforts to rationalize and make available the type of PLEI activities that should exist in their jurisdictions
- A way to encourage institutions, agencies and organizations who provide information on the law as one of their services, to recognize their PLEI role and place themselves within the PLEI context

"At a time when more is demanded of our legal system, it is important to provide a shared national context for our public legal education (PLE) efforts. If we can discuss and agree on the broadest possible guidelines for its direction and descriptions, then ple can assume its indispensable role in our legal system."

"Too often ple has been narrowly defined to include organizations that concentrate their efforts on providing ple services. A shared national PLE context will provide ple with the national identity it needs. It will define, describe and include the activities of legal, social and community services that provide access to information on the law. A recognized national ple context will clearly show the influence and importance of the active participation by governments at all levels, the legal profession and the media in Canada's public legal education services." (page 4 "People and Law – A Blueprint for PLE Service – Canadian Law Information Council – 1988)

More recently, in 2002, the Department of Justice (DOJ) has resurrected the "blueprint" concept originally advanced by the Canadian Law Information Council. Terry de Marsh, Director, Analysis and Integration Directorate, Programs Branch, DOJ has developed an Access to Justice Policy Model in order "to provide a framework for program decision-making" and "to provide context for a new PLEI vision." Developing a conceptually based PLEI model on the national level mirrors work that is being done at this level in other areas such as crime prevention and youth justice.

The major proposition is that PLEI is an access to justice tool, working along side other tools and operating within a sphere of options and choices to achieve access to justice objectives. The principle being advanced is that "Canadians will receive the legal information and services they require to successfully interact with, and within, an accessible, transparent and equitable justice system." To achieve this principle of access to justice, attention and resources must be channelled to individuals and communities who experience greater vulnerability to justice system exclusion.

In this model, where resources are available and decisions have to be made between competing worthwhile access to justice activities, the resources will, generally, be applied where the need is determined to be the greatest on the basis of vulnerability to justice system exclusion. In de March's "hierarchy of vulnerability", the context for the allocation of resources is as follows:

- General Public: issue specific needs – Family Violence, Victims, Crime Prevention
- Specific barriers and challenges – Native Canadians, disabled persons, elderly people, new Canadians, minority languages
- Specific economic challenges – self-represented and the working poor
- Most economically disadvantaged – legal aid realm

An analysis of gaps follows the analysis of needs. Following a determination of the gaps in the Access to Justice realm is a consideration of the Access to Justice tools available to fill the gaps. Finally, in this model, following the selection of the appropriate tool to fill the identified gaps in relation to needs, appropriate activities must be selected.
(Appendix E - Making Choices: An Access to Justice Policy Model, Department of Justice)

PLEI stakeholders in BC agreed that there are many advantages to a national strategy for funding PLEI work and agreement upon the focus of PLEI work in the country. Whether or not the DOJ model is adopted by all of the players in its entirety does not detract from the positive features of moving in this direction. Further, there has never been a formal relationship between the DOJ and the British Columbia government in the area of PLEI. Most players saw great benefit to taking steps to formalize the relationship, if only to stay more current with the numerous initiatives in DOJ grant making and to generally increase the profile of PLEI.

The disadvantages of the approach are that, as with all federal/provincial initiatives, there is the potential for getting bogged down. With new political "winds of change", priorities with governments change. Some players also expressed concern that service providers could be increasingly "driven by DOJ agendas." Specific concerns with respect to the labelling of PLEI as an access to justice tool were that it was important not to lose sight that access involves two separate issues: legal representation (being able to access the various channels in the justice system to resolve disputes) and PLEI (knowing when to contact a lawyer or other justice system problem solver in order to make wise decisions about your life).

An alternative view is that PLEI is part of the continuum of legal aid services that can be provided to the public. This is not the "either/or" approach but rather a recognition of the integrated nature of legal aid and PLEI delivery of services.

Recommendations

(a) The DOJ is interested in further discussions with provincial governments with a view to more systematically approaching the funding and service delivery of PLEI services across the country. Jerry McHale, Assistant Deputy Minister, Justice Services Branch, MAG has already expressed his interest in this level of co-ordination.

(b) There is interest in the Access to Justice model for PLEI funding by major Law Foundations including British Columbia, Alberta, Ontario and Manitoba. There would be a willingness to put this topic of PLEI coordination on the agenda of their next gathering which takes place in Seattle, Washington in late January 2003 (mid-year meeting of IOLTA (Interest on Lawyers' Trust Accounts) organizations in the USA and Canada). Alternatively, or as well, it could be on the agenda of the next meeting of the Association of Canadian Law Foundations to be held in Montreal in mid-August. The ACLF meeting typically has a more representative Canadian attendance than the IOLTA meeting.

2. Inside the Ministry of Attorney General and among Ministries

The MAG does not have a statutory mandate to deliver or fund PLEI initiatives. It has an implied obligation in its mandate to ensure that the public understands its laws. Specific goals include providing information about Ministry services to the public; educating people about law, legal procedures and the court process; and making the law more accessible to the public.

The encouragement to the MAG to clarify its mandate in the area of PLEI has been thoroughly documented in the 1990 and 1993 Reports. In particular, the concerns were that:

(a) Given the complexity of MAG PLEI activities and the fact that the Ministry is only one of many PLEI players in BC, a clear ministry mandate should be developed and formally adopted;

(b) Policies should be established and/or procedures regarding the development, co-ordination and evaluation of all ministry PLEI services (Solicitor General, Ministry of Education, etc.).

From the 1990 Report (page 78): "For the Attorney General, in particular, we recommend that the ministry establish a clear mandate internally for its involvement in public legal education. Only from such a basis can Ministry personnel begin to address issues such as priorities for funding and improved accountability with funded organizations."

Addressing these concerns would assist the Ministry's branches, as well as the community agencies it deals with, on how best to deliver PLEI services as part of the Ministry's corporate agenda. The clarification of funding guidelines and evaluation policies will also enable the Ministry to be more decisive about what services it should provide and what services are best developed and/or delivered by the various PLEI agencies, community agencies and other levels of government.

I reviewed the MAG's current Service Plan and found references to PLEI to be scant and general. (pages 1, 2 and 6). The Service Plan does not appear to be easily accessible and understood by some PLEI players. It should equally be noted, however, that significant work is being done by the MAG in the area of PLEI, notwithstanding the absence of specific language. Some would further argue that there are potential downsides to giving PLEI a higher profile in government, as it then becomes one more program that needs to be defended should future budget cutbacks need to be considered. The counterargument is that government should demonstrate and be able to defend PLEI funding and programming, if PLEI is intended to be a significant access to justice tool which has impact.

Consistent feedback from PLEI service providers and funders was that it would be very beneficial if the MAG was clear on its mandate – its objectives in PLEI and criteria for the allocations of PLEI funding in the service plan, and long-term strategic plans. Players also indicated that there would be value in seeing that senior management and senior Ministry levels demonstrate "buy-in" to a more visible and focused PLEI presence in the MAG, as well as in other ministries involved in PLEI services and funding. The corollary was the suggestion that responsibility for PLEI management in the MAG should be assigned – "Don't bounce it around. PLEI needs to find a home and need to become a significant portion of some one's job"- said one player.

A third aspect to co-ordination is the formation of an intra-ministry committee, or some form of mechanism for sharing information on PLEI services and funding as among key ministries (such as Solicitor General, Ministry of Community, Aboriginal and Women's Services, and the Ministry of Education). Again, from the PLEI service providers' and funders' perspective, the relationships among these key ministries, in terms of their mandate and funding responsibilities in PLEI, should be clarified. There is an acknowledged need to collect data on PLEI programs throughout the relevant ministries and to increase awareness of the amount of funding dedicated to these programs. Several players expressed frustration with the fact that, during the course of this Review, they were asked to share information about their PLEI work and funding, but the MAG has not made comparable information available to them.

There is frustration when service providers feel that they are dealing with "bureaucrats who come and go, who have no experience in either law or public legal education and no commitment to the concept or goals of either. This, coupled with reduced funding from all sources, has demoralized those still in the field." (Wanda Cassidy, "Law-Related Education: Promoting Awareness, Participation and Action", Weaving Connections: Educating for Peace, Social and Environmental Justice, Edited by Tara Goldstein and David Selby, Sumach Press, 2000)

Finally, a fourth aspect of coordination is that the MAG may want to consider having PLEI advisory groups. A court based advisory committee could be composed of groups such as court personnel, crown counsel, PLS, LCES and LSS. Other advisory groups could be struck for PLEI issues relating to tribunals. (The concept of working groups or networks among the players is discussed in more detail later in this paper.)

The advantages of pursuing any of these options are that the MAG would be properly assuming its responsibility to ensure that the PLEI programs it funds are carried out in an efficient and cost-effective manner. The disadvantage is that if the only PLEI coordination initiative to emerge from this review is housed in the MAG, it would likely not be well received by the other stakeholders and players, and thus attempts to ensure better co-ordination and collaboration among the players could falter.

Recommendations

(a) The 1993 Craig Report puts forward comprehensive suggestions for a MAG definition of PLEI; a Ministry PLEI Mission Statement; a PLEI Unit Mandate; PLEI Unit Priorities; Branch/Agency PLEI Programming and Coordinating; and a Ministry PLEI Coordinating Committee. All of these suggestions could be explored with a view to testing their utility and applicability for 2003;

(b) Creation of a PLEI Coordinator Position within the MAG – This could model the creation of such a position within the Alberta Justice Department, following a recommendation of the Alberta Summit on Justice (1999): " ...to improve the public's knowledge, education and awareness of the justice system in Alberta." One of the strategies adopted was to create the position of Education Coordinator.

The coordinator first developed a public legal education data base. The Coordinator's primary duties are to assist the ministries of Justice and Solicitor General in improving Albertans' knowledge and understanding of the justice system by: working with the departments' partners and staff to find better ways of informing Albertans about the Alberta justice system; providing assistance to school and community mentoring programs related to justice; and helping determine how justice education can be improved through the development of new resources and other joint strategies. Long term joint strategies include working with the relevant ministries to enhance law-related curricula in schools; and establishing a PLE Advisory Committee to share information and to analyze existing gaps.

(c) That the MAG engage in the necessary work to gather data on PLEI programs in the relevant ministries, and share this information with major PLEI service providers and funders in a timely manner.

3. Between the Ministry of Attorney General and Legal Services Society

The recently revised *Legal Services Society Act* provides LSS with the statutory authority to embrace a more comprehensive look at PLEI services, with special emphasis on how PLEI can be integrated and be included in the "menu" of legal aid services for the public. PLEI now pervades everything that LSS does; for example, PLEI is very much tied into the delivery of family law services. LSS's target group is low income people but because disadvantaged groups tend to make up a large proportion of the low income population, the target group extends to aboriginal communities and culturally diverse communities. In addition, LSS believes that it can also be helpful, through its PLEI efforts, to assist middle income people who cannot afford lawyers (unrepresented litigants).

Relevant sections of the new legislation include:

Part 2 – Section 9 (2) (c) - "the society is to coordinate legal aid with other aspects of the justice system and with community services."

Part 2 – Section 9 (2) (d) – "the society is to be flexible and innovative in the manner in which it provides legal aid."

Part 2 – Section 10 (1) (g) – the society may "facilitate coordination among the different methods, and the different persons and other entities, by which legal aid is provided."

Part 2 – Section 11 (1) establishes that the society may provide legal aid by any methods that it considers appropriate, including: (c) "by assisting individuals representing themselves, including by providing them with summary advice, information packages, self-help kits and assistance in preparing documents; and (e) by providing public legal education and information.

The Memorandum of Understanding with the MAG is currently being negotiated. In the current draft, LSS and the Attorney General commit to working cooperatively to integrate

their PLEI services to meet the education and information needs of low income individuals, and to enhance the Society's prospects for obtaining PLEI funding from other sources.

The Official Trustee, Jane Morley Q.C. and Executive Director Mark Benton advise me that the LSS PLEI vision is one that sees PLEI as a key part of the spectrum of services provided by LSS. The strategy will embrace other legal aid providers in the province including the UBC Law Students' Legal Advice Clinic; the UVic Law Clinical Centre Program; and the CBA/Law Society's Pro Bono Program. There is also a need and willingness to develop stronger links with the Law Foundation funded advocacy programs.

4. Between Legal Services Society and all community players

Just as there is a need for more co-ordination in the MAG with respect to PLEI, there is also a need for more co-ordination among the PLEI community players.

As outlined above, the recently amended *Legal Services Society Act* provides the statutory basis for LSS to assume a leadership role.

LSS is well positioned to take a leadership role. LSS defines leadership in the PLEI world as "meaningful collaboration where all of the voices or needed partners are at the table, given an opportunity to participate, and are able to work together to find solutions that work for the common good. Participants have a common purpose and are accountable to themselves and each other." The new *Legal Services Society Act* mandates a leadership responsibility in working with other PLEI based organizations in sharing experiences, knowledge and expertise and making available its technology infrastructure.

Community players indicated their support for LSS assuming this type of leadership profile. It is important that LSS not "own" the coordination process but there was substantial agreement that some one needs to "step up to the plate" and that it was critical that a funded vehicle be created to allow PLEI coordination to happen. Several community players were careful to point out that leadership should mean, at least in the initial stages, performing a secretariat role e.g. organizing meetings, preparing funding proposals, and generally responding to the Network's needs. The vast majority of players understood the vision – given the pressures on the justice system in BC, how can PLEI service providers determine effective and efficient roles in relationship to the justice system, to each other, to the public – and support each other throughout the process.

There was general agreement that LSS was well positioned to assume a leadership role on at least three initiatives: a PLEI community profile/needs assessment, a more consolidated approach to the distribution of materials; and the development of a coordinated approach to the creation of websites.

First, with respect to a PLEI needs assessment, the 1990 Report stated at page 75:

"If *we are candid, with limited budgets, not all worthwhile services can be provided. In order to rationally re-allocate funds, and to ensure that they are being directed into the most cost-effective channels, a systematic, formal and comprehensive priority-setting*

mechanism is required. Without this, there will be no confidence that major change will occur....

There is a need for priority setting. Most ple organizations are governed by a board which is responsible for setting policy decisions. Most also indicated that they relied to varying degrees on their staff to assist them in the identification of service or funding priorities. Although there are regular forums for information exchange on each individual organization's initiatives, there is little in the way of actual priority setting that occurs between groups. At best, organizations discuss emerging issues and keep each other informed of their policies. This is not satisfactory. A more zero-based priority setting mechanism tied into a general needs analysis for the entire area is required."

In meetings with the players to date, there is "buy-in" on the need for a made in BC PLEI needs assessment. The Law Foundation has indicated a willingness to entertain a project application in 2003 from LSS inn accordance with the Law Foundation's funding criteria. Any such application would be strengthened by a collaborative approach. The ability to build on research elsewhere in Canada exists. In Alberta, the Legal Studies Program, Faculty of Extension, University of Alberta received $30,000 from the Alberta Law Foundation for a "Needs Assessment Synthesis Project." Approximately 50 PLEI needs assessments have been undertaken in the last 25 years. Although this body of work has been growing for some time, there is no central repository, no consolidation and no summary for the documents. This has contributed to an erratic development in understanding the public's need for legal information and inhibits the sharing and development of methodologies to determine those needs.

The Legal Studies Program will produce by mid 2003 a synthesis of the legal information needs studies that have been undertaken in Canada since 1975. On completion of the review, recommendations will be provided with respect to carrying on needs assessments in the future. Recommendations are expected to identify areas for continuing fruitful inquiry and appropriate methods for doing so.

BC should benefit from the Alberta analysis. However, most players indicated that the focus of any assessment in this province should be a community profile, rather than a needs assessment in the traditional sense. That kind of framework would be very useful. Against this factual backdrop, players could discuss the role of their organizations in meeting needs in specific areas of law. For example, LCES has the space, connections and mandate to address the need to provide information about court functions to unrepresented litigants in family law matters, but LSS has a role to play in creating the substantive materials and services that would be needed by these litigants.

Another compelling rationale for a needs assessment/community profile is the fact that there are many PLEI players in BC who are invisible because they do not show up on anybody's list of PLEI service providers because public legal education is typically a secondary purpose in these organizations. For example, both the Nelson Advocacy Program and the Progressive Intercultural Community Services Society are listed in the Law Foundation's Annual Report as grantees whose work is classified as legal aid, since legal aid is the major thrust of their work. However, these organizations also provide very valuable PLEI services to their clients. There has never been an accurate inventory done of all of these "invisible" PLEI players. Being invisible means that they do not attract support or capacity building.

Second, because LSS has a long history of the production, distribution and funding of PLEI materials, it is well positioned to adopt a clearinghouse approach. A more consolidated approach would improve the efficiency of the PLEI system overall. Currently, consumers of PLEI do not have one place to go to in order to obtain the materials they need; several organizations must be approached. Such a clearinghouse approach would also serve as a starting place for organizations about to embark on production of new materials. An examination of existing materials would minimize the potential for duplication and would allow groups to investigate "lessons learned" from publications on similar issues or target groups, and thus improve overall effectiveness. Taking this idea a step further, an online clearing house of PLEI publications is currently under discussion in Ontario.

With respect to website development, several players indicated that they would value LSS leadership in this area. LSS has a track record in the creation of online information sites including the highly successful POVNET, the Family Law website and their ELL (Electronic Law Library) website. Since there is also potential for duplication in the development of government websites, it would be helpful if LSS and government had a working relationship.

The advantages of LSS taking a leadership position in PLEI coordination is that there is history, a track record and an overall willingness by the players to let LSS play that role. There was good reason for the merger of the Legal Aid Society and the Legal Services Commission (which included PLEI in its functions) in 1979; the combination of legal aid and PLEI services was deemed to be the most efficient and effective way of serving the public.

The disadvantages of LSS taking a leadership position are that the organization is much diminished in its capacity to offer PLEI services and no longer has the capacity to provide small grants. Some argue that with the dismantling of the community and native community law offices, the organization no longer has pipelines to the communities. LSS estimates that, through the cutback process of this year, it has lost $4 million in PLEI services provided by staff lawyers, paralegals and intake workers. These were provided to clients and through LSS led community initiatives.

On balance, LSS is the best place in this province to institutionalize a PLEI co-ordination mechanism. This is what makes sense both in terms of the history and experience of LSS in this area, and in terms of the strategic planning of the new LSS. From the community players' perspective, housing a PLEI coordination mechanism within an existing organization is a more efficient alternative to trying to secure funding for a new non-profit organization created only for that purpose. That option, of course, remains open for discussion among the PLEI players.

<u>Recommendations</u>

LSS to submit a PLEI community profile/needs assessment to the Law Foundation of BC, in collaboration with other key players; and to convene meetings of the players for the purposes of information sharing and pro-active planning.

See discussion of PLEI Network

5. Among PLEI funders

In addition to the DOJ and provincial government ministries including the MAG, the Solicitor General, the Ministry of Education, and the Ministry of Community and Aboriginal Services, there are three foundations in BC which have a statutory mandate to fund in the area of legal education: The Law Foundation of British Columbia; The Real Estate Foundation; and the Notary Foundation. In terms of overall social justice funding, the Vancouver Foundation could also be included in this group.

At present, the coordination among the funders is primarily based on individual phone calls with respect to specific grant applicants or programs. In the past few months, the Law Foundation has demonstrated significant leadership in this area. The Law Foundation has facilitated meetings between the MAG and DOJ, and has indicated a willingness to organize a meeting of PLEI funders. Up to 2000, PLEI funders had been meeting regularly for approximately 10 years. The feedback from the players who attended these meetings is that, while these meetings were very useful in terms of becoming acquainted with one's colleagues and the general thrust of each other's programs, the meetings lacked any meaningful collaboration and co-ordination. Meetings were "after the fact" events, rather than involving any kind of proactive needs assessment and joint funding initiatives. As one player stated to me, "I'm too busy to give up my time right now to go to yet another meeting where all we do is report to each other on what we are doing. I will go to meetings if I have a sense of moving forward on specific topics." Just as funders are asking for meaningful collaboration among funded groups, PLEI service providers believe it is appropriate to ask for more meaningful collaboration among the funders.

From the MAG's perspective, the fundamental question remains: Are "legal education" dollars being expended in an optimal manner? Funders must recognize their responsibility to ensure that PLEI needs are correctly identified. A more systematic, comprehensive and regular approach to the assessment of the need for PLEI services would assist both funders and deliverers to prioritize their initiatives and apply resources to initiatives in proportion to the need for them.

There is very good work being done by all of the PLEI funders. However, there are no agreed-upon common goals or direction either among the funders in BC, or among, for example, the Law Foundations across Canada. Applications tend to be assessed by all the funders on the individual merits, some funders being better able than others to also incorporate a broader social justice analysis. The Law Foundation, The Real Estate Foundation and the Notary Foundation all concur that a "big picture" approach would assist in their work.

The Law Foundation is taking steps in a constructive direction through the creation of a "Diversity Profile" of the province. Information is divided into four regions: Lower Mainland/Southwest, Vancouver Island, North and the Interior. Each region is further sub-divided into 28 regional districts. The profile includes information in the following categories: total population; land area; gender; age; marital status; ethnicity/race; immigrants; diversity of home language; education; income; dependency on safety net; employment; disabilities; religions. This is an important "environmental scan." For the purposes of creating baseline PLEI information for funders, I could also see utility in "mapping" the following: LSS offices, Law Foundation funded advocacy groups, Native

Courtworker and Counselling Association offices, and other community organizations that provide PLEI services.

There is another major area of work for funders to consider – their accountability to the groups they fund. Most not for profit organizations have multiple funding sources; for example, PLS has 9 different funders. The preparation of reports and the nurturing of the relationships with all of these funders is administratively very time consuming. Funders could perform a great service to the community if they were able to collaborate among themselves as to the development of common requirements of their application processes and reporting requirements. For example, if a funder is considering revising its application forms, there would be a great benefit in working through and sharing this process with other funders who receive PLEI funding requests. From the perspective of funded groups, a more efficient approach by the funders would be greatly appreciated and thus would increase the efficiency of the work of the funded groups – an attribute much sought after by all funders. Having worked on "both sides of the fence" – approving funding proposals and preparing funding proposals – I can state with confidence that there is room for significant reform in this area.

There are numerous advantages to the rejuvenation of meetings among the PLEI funders if they are structured properly. The foundations guard their autonomy with vigour and their independence from government is greatly valued by the public who want funders to be counterpoints to government. The disadvantage is that PLEI funders meeting and acting alone is a partial solution – not only is a big picture analysis still lacking, but exclusion of other players could increase concerns about open and frank communication, particularly among PLEI service providers who are already nervously looking over their shoulders in the expectation of further grant reductions. The big picture analysis suggests the need for a long-term, inclusive vehicle for communication.

Recommendations

(a) Meetings of the funders spearheaded by the Law Foundation of BC, with consideration given to the feedback from the players and the analysis offered above

(b) See discussion of PLEI Network

6. Creation of a PLEI Network of all Players

Another option is to ensure the creation of a network of all PLEI funders, service providers and stakeholders through a network analogous to that of the Ontario Justice Network (OJEN). The model would clearly need to be adapted to the BC environment but the conceptual basis and mode of operation is worthy of analysis.

The creation of a PLEI network would be an elaboration and formalization of the type of inter-agency cooperation which flourished in the early 90's in BC. (Public Legal Information and Education Funders Group; Court Services Legal Literature Committee; Law 12 Advisory Group; Canadian Bar Association, PLE Committee; Law Week Committee; Multicultural Legal Education Committee; Law-Related Education Committee). The 90's groups met on a voluntary basis, and the "network" was resourced by in-kind contributions of staff time and meeting space, on a rotating basis among the players. As pointed out earlier, this voluntary effort eventually withered away.

OJEN received pilot project funding from the Law Foundation of Ontario to make a PLEI independent collaborative forum a reality. According to Mary Brown, Executive Director of the Ontario Law Foundation, the key was providing funding to support and hire an Executive Director: "Having a competent, committed, and experienced PLE person keeping it all together, following-up and following through is vital." Tavi Lobu, the Executive Director of OJEN advised me, " It is all about creating a collaborative culture of PLEI and having a plan." OJEN is composed of organizations and individuals with a common interest in public understanding of the justice system. It facilitates activities towards achieving a "dynamic, effective and inclusive justice system in a continually evolving society."

Through education and dialogue, OJEN seeks to assist the public to develop a meaningful understanding of the justice system – its principles, values and processes as well as the challenges it faces. The process of dialogue will reinforce the ongoing connections of the justice system with societal concerns and developments. Such activity is essential for the ongoing viability of our society and justice processes, particularly in this information age which can bring about shifting demands and often rapid societal change.

With a province wide network of organizations and individuals, OJEN supports the development of locally-based activity in all parts of the province with a particular focus on students and the strengthening of links between the justice and education communities. Via activities of its Network participants, OJEN also engages specific communities of interest and the general public.

Through internal and external liaison, OJEN helps ensure that:

- Network participants and others have access to current information regarding issues, research, programs and materials related to relevant justice system initiatives – creating formal and informal opportunities for collaboration and optimal use of resources.
- Students, teachers and other members of the public have access to resources, programs and materials to facilitate meaningful understanding and dialogue about the processes of the justice system.

OJEN developed out of a public legal education Task Force convened by the Chief Justices in Ontario, and was strongly supported by the Attorney General. The Task Force included a range of organizations and institutions linked to public education and the justice system. It conducted research via Legal Aid Ontario and Community Legal Education Ontario, addressing the existing level of public knowledge and perceptions of the law and legal system. The research also reviewed the current status of public legal education programs, particularly in Ontario but also across Canada. The two major initiatives arising out of the Task Force were a courtrooms and classrooms project, and the formation of an organization/network "to broaden the level of coordination, collaboration and participation in existing programs as well as enriching existing programs and planting the seeds for new ones."

OJEN evolved out of approximately 2 years of work done by the Task Force. It has been operating for six months. Subject to a successful review by the Law Foundation of Ontario, consideration will be given to providing core funding for the next three years.

The objectives of CLEN are to:

(a) Foster public understanding of the justice system and the challenges it faces;

(b) Support and encourage the values of a public, transparent and accessible justice system through research and education;

(c) Encourage dialogue between justice system participants and the public;

(d) Develop, co-ordinate or deliver public legal education information and programs to students and others.

CLEN is comprised of three components – the Network, the Working Board and the Standing Committees. The Network is similar to its predecessor, the Public Legal Education Task Force, and thus is comprised of representatives from the courts, Ministry of Attorney General, the Law Society, the Law Foundation, the Canadian Bar Association, the Ombudsman, and Legal Aid Ontario. It has an advisory role to CLEN's Board and Executive Director. It meets as a whole 2-3 times per year.

The working board membership reflects links to major areas of current organizational activity and public legal education providers. This board includes representatives from the courts and Attorney General as well, the Ministry of Education, the Law Foundation, the Teachers' Association, Legal Aid Ontario, and the Law Society. It is expected that the composition of the Board will be reviewed from time to time to ensure that evolving needs are addressed.

Finally, CLEN has four standing committees: Organization and Development, Education and Programs, Funding, and Communication. Membership is drawn from the Network and from communities.

The advantage of a network such as CLEN is that it pulls in all the players and establishes formal mechanisms for coordination – it enhances understanding of how the different PLE! models co-exist. Another advantage is that the network encourages role definition in a non-threatening forum – it recognized that PLE! players have differ things to offer, and there is an opportunity to build their capacity. The Executive Director of the Ontario Law Foundation states: " My observation is that the buy-in of various and diverse players such as the judiciary, the Attorney General, the Law Society, law firms, Ontario Bar Association, Legal Aid, Community Legal Education Ontario, Law Foundation of Ontario (particularly as a funder of this and many other PLE initiatives) et al and representatives of educational interests such as the Ministry of Education and teachers' associations has proven essential in developing CLEN as a potential networking powerhouse."

Critiques of CLEN include a concern that it is dominated by the "powerbrokers" and that community input is limited. It should be pointed out that CLEN participants do have many and, in some cases, strong links to various community groups, and the development of community links is something the Executive Director can do as part of the evolution of the organization.

On balance, however, an reasonable conclusion is that BC can benefit from the fact that another province has broken new ground in establishing a formalized PLE! network. Service providers and funders alike can decide what would work in BC and what would not be needed.

The concept of a FLEI network is favoured by the community players with whom I held discussions – but it needs to be adequately funded, and the WAC needs to demonstrate its commitment to engagement with such a network. A practical step by step approach to developing the network is also favoured by the players.

A made in BC FLEI coordination network would have two aspects: coordination within the WAC and related ministries, as discussed earlier, and coordination within the community. This balanced approach was seen to have merit by most community players.

Community players agreed, that of the options available, a coordination mechanism is best housed in LSS. The Network could report on its activities on a regular and ongoing basis to the BC Justice Review Task Force. Players saw two distinct advantages to having a relationship with the Task Force: first, the profile of FLEI would be elevated in the justice system and thus the area could attract more attention and resources; and second, players are unanimous that unfocussed good will to put try to have more meetings is not a useful recommendation at this time. The history of FLEI in the province suggests to the players that to report to and liaise with a body such as the Task Force will assist in keeping up the momentum to come to grips with issues requiring more coordination.

Given the potential relationship with the Task Force, players suggested the need for the Network to have a steering committee. It would be essential to include on the committee LSS and the WAC, with the understanding that the WAC representative was the FLEI Coordinator or, in any event, some one who was fully briefed on the FLEI funding profiles of the relevant ministries. Players also suggested that the steering committee include the Law Foundation of BC and the [illegible]. The Law Foundation and [illegible] would need to carefully consider, of course, where or not such a role was appropriate for them. It is worth pointing out that earlier studies have called for the formation of a committee comprised of LSS, the Law Foundation and the WAC "to coordinate their funding of legal information and education services so as to ensure the most effective and efficient application of funds." (1992 Report to the Attorney General)

There is the inevitable concern that the community voice is potentially missing given the proposed composition of the steering committee. The response is that there is an expectation from the community organizations that the Law Foundation and LSS would consult with them and ensure that their views are represented, particularly in the development of the Network. Players also were clear in stating there was a need for dedicated management to occur if the goal is the creation of a long-term vehicle for communication. As one stakeholder noted, "The FLEI area has been reviewed to death. It is time to act on the recommendations to better coordinate efforts."

The steering committee could be charged with moving forward with the players on three initial objectives:

i) Convene a Meeting

An inaugural meeting should ideally include all the players consulted in the review: LSS, Law Foundation of BC, WAC, [illegible], FLEI, [illegible], Legal Advice Program, Canadian Bar Association – BC Branch, and

Service for Executive Lead and Society (SFEL), as well as the Real Estate Transformation Office and the Society Commission.

Working committees would need to be struck to carry out issues of concern to those groups identified above in order for consideration and priority (eg. family law, foster information, aboriginal issues and low-income consider). The role of LCD would be to issue the call for meetings, arrange a meeting space and develop agendas. Meetings would need to "bring people to the process" and player states "everyone can and just getting in time."

5. Development of Community Profile Proposal

With LCD taking the lead, a funding proposal could be developed in consultation with the players for a community profile/needs assessment for BC. The MMC notes that the lack of systematically organized information on PLCD funding across ministries further supports the idea of developing a community profile.

6. Development of the Network

Community players and funders need to decide what kind of network works best for them. There is acknowledgement that the players have different needs. Smaller groups, which may have PLCD as a secondary purpose, probably need a service provider. They receive updated information on policy and funding initiatives and professional development opportunities. For example, a PLCD service provider can ask for or use the great advantage of being able to travel to Ottawa and meet the right about PLCD funding initiatives and policies. We would be pleased to hold a workshop in BC for groups in the category who are unable to capitalize on such opportunities. A PLCD Network could also meet the need of smaller groups to coordinate their efforts with others.

Larger sub purpose PLCD service providers have indicated a need for a forum to share ideas, test the merits of new initiatives and plan joint initiatives. The development of a funding proposal requires significant work and time by already overburdened Executive Directors. Practical and cohesive feedback from interested funders would be beneficial to all concerned. Further, it is interesting to note that the way funders allocate funds can actually enhance divisiveness among community groups, rather than encourage a collaborative approach, because project budget announcements are typically cast as competitions.

Funders have their own particular needs. They indicated to me the value of having a mechanism to obtain feedback on funding proposals as well as to have a role in providing professional development opportunities and information on funding priorities. Finally, all players including funders appreciate the value of a better-coordinated approach to the development of materials and the development and distribution of PLCD materials.

Another issue to consider is the role of the judiciary in the PLCD Network. Does the PLCD Network steering committee to include and recognize meetings held the steering committee could meet with judiciary representatives to discuss what role, if any, the judiciary could play in the Network.

Once the players decide on the best model, a funding application could be submitted to the Law Foundation of BC and/or other funders as appropriate. Depending on the Law Foundation's capacity to provide the necessary level of funding, applications may also have to be made to other funders with a legal education mandate such as the Real Estate Foundation and the Notary Foundation. The Law Foundation has indicated that any such application would need to be viewed in the context of their own funding priorities, and with regard to their grant-making criteria which includes the applicant demonstrating whether or not other funding sources are available.

LSS has indicated that it could provide up to $25,000 in this fiscal year toward the start-up work of the Network (as articulated above). Appreciating that it is overly presumptive to predict what model the Network would agree upon, a reasonable estimate is that funding needs to be secured to support, at a minimum, a full-time coordinator's position. I believe that it is important for this coordinator (and the MAG PLEI Coordinator) to be knowledgeable, energetic, visionary, committed to PLEI, and able to shape forward-thinking, innovative programming. Research clearly points to the key ingredient to any successful program is the visionary himself/herself - some one who can inspire others and mobilize others to use their talents and skills.

The goal is to have this PLEI coordinating mechanism or network funded on an ongoing basis. Short of that ideal scenario, other scenarios are possible. For example, as noted earlier, the Law Foundation of Ontario provided pilot project funding for OJEN. Consideration is now being given to a request for significant core funding on an annual basis for the next three years – subject to reassessment after that time. Given the Ontario precedent, the Law Foundation of BC is a logical funding source for a PLEI Network in BC. First, given its statutory mandated responsibilities to fund legal aid and legal education and the fact that it is second only to the MAG in the amount of its grant-making in the PLEI area, the Law Foundation has much to gain from a well run and adequately supported Network. Second, the Law Foundation has a track record in the justice sector of providing support to initiatives which have as their goal increased coordination and communication among justice system players. Recent examples of the this track record include the funding of the Law Society/CBA Pro Bono Program (coordination and promotion of pro bono legal services in BC); CANLII (coordination of website legal information); POVNET (coordination of delivery of electronic information on poverty law); Canadian Forum on Civil Justice (organizational funding to coordinate the organization of research on civil justice); and IMPACS (organizational funding to coordinate a law reform initiative).

Finally, many players noted that the PLEI world is different from the PLEI world in Ontario. The differences in context mean that one cannot simply import the OJEN model. That would not work in BC. As stated earlier, the PLEI Network needs to be a model that is "made in BC", with careful attention paid to the existing strengths and the diversity of PLEI service providers in this province. Other options for coordination should be considered by the players. An example of a coordinated effort at the federal level is the Youth Justice Education Partnership, a multidisciplinary organization dedicated to improving justice for Canada's youth. The organization consists of representatives of ministries of justice and education; the judiciary; the academic community; associations of educators; public legal educators; youth; and agencies involved in justice-related issues or legal services. The bottom

line – models of coordination exist. A PLEI Network can be developed if provided with funding assistance, direction and supported with the good will of the players.

What is needed in the development of the PLEI Network is positive, constructive participation from the service providers and from the funders. I am pleased to report that most players are indeed focused on what could work, rather than what won't work, and that there appears to be a genuine renewal of interest in how to better approach PLEI service delivery and funding in the province. As one player stated, "I personally would love to be part of a coordination network. You never know where the next good idea is coming from..."

Recommendations

Further study and analysis of the OJEN model and other options for coordination, their potential applicability to BC; and the submission of a funding proposal to appropriate funders for a PLEI Network.

7. Relationship to the Justice Review Task Force

The Task Force was convened in July 2002. It consists of senior representatives from the BC Supreme Court (Chief Justice Donald Brenner); BC Provincial Court (Chief Judge Carol Baird Ellan); Law Society of BC (Richard Margetts Q.C.); Canadian Bar Association (Peter Leask Q.C.); and Ministry of Attorney General (Gillian Wallace Q.C. and Jerry McHale Q.C.). The objective of the Task Force is to identify a wide range of reform ideas and initiatives that may assist in making the justice system more responsive, accessible and cost-effective. To this end, the Task Force provides a forum for its participants to exchange information, engage in mutual consultation respecting proposed administrative, procedural or program changes, and coordinate initiatives where appropriate.

The Justice Reform Task Force has indicated its interest in hearing how PLEI is an access to justice tool and how players are working towards a more efficient coordination of their work. Two areas of interest to the Task Force which could likely benefit from the PLEI Network concept are unrepresented litigants and family law.

In the 1988 Canadian Law Information Council Report, the Committee on PLEI states at page 3:

"Canadians care about having an accessible legal system...They are willing to have governments spend money to ensure that we have an accessible justice system.

Providing easy access to appropriate information on the law must be the cornerstone in the construction of an accessible justice system. This can only be accomplished by providing systematic and diverse access points for information. Information must be appropriate – in the right language, in the right format and with the right content – if it is to solve a legal problem, or provide information and incentive to encourage participation in the legal system."

The Task Force has a legitimate interest in hearing about the work of a PLEI Network. To go beyond an information sharing relationship would, however, likely be unworkable. It was pointed out to me, for example, that that there is no certainty to the longevity of

the Task Force. My recommendations are all geared to arrive at one result – a properly funded PLEI Network with direction and which has a long-term existence, separate and apart from the existence of other outsides bodies.

Recommendation

That the PLEI Network report on its activities on a regular and ongoing basis to the BC Justice Review Task Force.

Concluding Comments

I would like to express my gratitude to the players who generously offered their creative ideas and vision to me, and provided information about their work and organizations on very short notice. The following commentary from a 1995 law reform report has resonance today:

"The non-profit sector is vast. It faces problems as complex as any government office or commercial enterprise. Its boards consist of volunteers... The agencies are under funded and usually unable to afford professional advice. The people involved in these enterprises do the best they can with the limited resources available to them. In many cases their efforts can best be described as heroic." (Law Reform Commission of BC: Report on Conflicts of Interest: Directors and Societies (1995) – Volume I, page 2.)

The recommendations contained in this review are made in the spirit of encouraging a process of continual self-assessment among service providers in the justice system, and those who provide the funding support and policy direction. As one player indicated to me, "I think we are all doing very good work in our organizations. But, over the past few years we may be evolving in our own boxes. The fundamental question is how can we explore how to change our boxes to better serve the public." To this self-assessment, I would add that my experience with the PLEI world in BC is that the players' work is of a very high calibre, and that the work is being done in an environment of historically challenging fiscal pressures and extraordinary pressures to deliver service. All of my recommendations are intended to support the PLEI players and to build their capacity to carry out their work.

Chapter F

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APPENDICES

A - Law- Related Education

B - Public Legal Education and Information Review

C - Public Legal Education and Information Study: A COMPAS Report to Justice Canada

D - The Canadian Civil Justice System and the Public

E - Making Choices – An Access to Justice Policy Model